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**Brazil and the
League of Nations**

Brazil

and the

League of Nations

By

JOSÉ CARLOS de MACEDO SOARES

Introduction by

LORD PHILLIMORE

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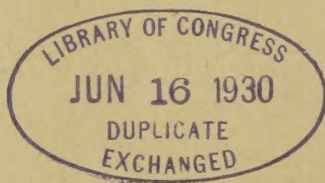
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When Brazil gave notice of her intention to retire from the League of Nations, few people can have been more distressed than the writer of this introduction.

He had served on the Committee which sat at The Hague to frame the scheme for the Permanent Court of International Justice, and had found the great benefit of the assistance of the Brazilian member, Dr. Fernandes. And he remembers that subsequently, when the claim came before the Assembly at Geneva, and timorous objections were raised to giving full jurisdiction to the Court, how Dr. Fernandes—with the assistance of Mr. Hagerup, the Norwegian delegate—invented the protocol, by which any State undertakes to appear before the Court and answer any complaint made by any other State which is willing to do the like in its turn. This is what is known as the Optional Protocol.

The writer remembers also sitting as the British representative pro hac vice on the Council of the League as a member of a Commission to assess the claims of the German farmers in Poland, which was presided over by the Brazilian representative, then ambassador in Paris, Senhor Souza Dantas, and what an excellent chairman he made.

To the writer, again, the growing importance of the Latin-American States has been the subject of reflection for many years. The four great countries—the A.B.C. States as they have been called, Argentina, Brazil, Chili, with Uruguay—are destined to play an important part in the economy of the world.

In addition to all these considerations, Senhor de Macedo Soares is able, from his careful study of the proceedings which led up to the formation of the League, to enumerate instances of valuable contributions made by Brazil then and since to the working of the League. They are to be found in Chapter III of this book.

That Brazil, after all the effective share which she took in the early doings of the League, should now seek to withdraw, is almost as tragic as the retirement of the United States

after Mr. Wilson had put his hand to the plough.

The primary destination of this book is for the author's countrymen, and it is much to be hoped that it will have its full effect, and that the administration now ruling in Brazil will recall its former decision, and that Brazil will continue to be a Member of the League.

It is a fortunate provision in the Covenant that no State can retire at once, but must give 2 years' notice.

But this book, which has been translated already into Spanish and French, should also in the present translation appeal to English and American readers. It gives the best history in a concise form of the preliminary essays and the reports of the various Committees and of the final development at Versailles—including the activities of Mr. Wilson and of the great American jurist, Mr. Elihu Root,—which has yet been published.

It also contributes to the destruction of that ignis fatuus of a few North and South American publicists whose idea is to set up a Pan-American League of Nations which will put aside the League as one which concerns only the

Old World and will provide itself with a special American code of international law, as if in these days of close intercommunication, and after the experience of the Great War, any part of the world could preserve a state of isolation, or as if the principles of law varied with latitude and longitude.

It was as long ago as the time of the Roman Republic that Cicero could write : " nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac; sed et omnes gentes, et omni tempore una lex, et sempiterna, et immortalis continebit", " Nor shall there be one law for Rome, one for Athens; one now, one for posterity; but one law lasting and immortal shall rule all nations for all time."

INTRODUCTORY

The Signatory Powers of the Treaties of Locarno had agreed to give Germany a permanent seat on the Council of the League of Nations. The Special Assembly of 1926, by confirming these agreements, was to change the whole face of post-war international politics. The admission of Germany to the League was to be the practical outcome of a policy of reconciliation, the policy for which the whole civilised world was anxiously waiting. Journalists in hundreds thronged the headquarters of the League at Geneva. The nations closely watched the genesis of the new peace, which was at last to be a genuine peace based on mutual trust.

The new peace of Europe is more than a mere diplomatic liquidation and final settlement of political differences. It stands not merely for the interest of the State, but for the interest of the community, of the family, of the individual. The fear of war, the vivid memory of the suffering it brings, the partings, the muti-

lation, the irreparable losses — such memories haunt the homes of men like some grim and poignant nightmare. And permanent peace is like a calm awakening, the dawn of a day of hope, the vision of a life reborn.

When, however, the nations attempted at Geneva to carry out the first of the provisions of the Locarno treaties they found that unforeseen difficulties were arising. Some of the associated Powers thought that they themselves should profit by the precedent that had been set when a permanent seat on the Council was created for Germany. The claim of Poland arose through an oversight, or at any rate through lack of foresight, on the part of the Locarno negotiators. It was an episode in the new peace policy, and could only be solved in conjunction with the negotiations connected with that policy. The claims of China, Persia, Spain and Brazil, however, lay within the narrower interests of the League itself. The attitude of China and Persia was conciliatory, that of Spain intransigent. Brazil alone, through the unexpected declaration made by her Government, claimed that her policy was simply the effect of which Locarno was the

cause, and used her right to veto the election of Germany to the Council of the League. On the ground that her own interests had been disregarded she placed an unexpected obstacle in the path of the new peace that was moving forward with uncertain and hesitating steps.

The whole world cried out against this unreasonable claim. Politicians, diplomats, publicists and journalists in every country maintained that the prospect of world peace was being sacrificed to the purely political interest of a country that had escaped the more immediate sufferings of the war. The magnitude of the conflict became evident to all. The extraordinary change that had taken place in the international field since the war was revealed with startling clearness. A single country, a South American republic, whose political, economic and military resources were only of secondary importance, was opposing its own claim—in other words, its own interest—to the interest of peace, the greater claim of humanity. Had such a claim been put forward at the Congress of the Holy Alliance, Talleyrand would have smiled, Metternich would have frowned. At Geneva, it was brought before

the tribunal of the nations, it was heard, it was allowed. Brazil's vote alone held up Germany, the Great Powers, Locarno and world peace, on the very threshold of the League. A new factor had arisen, a new era had dawned. Wilson, dreaming of a League of Nations, thought to fulfil the new ideals of humanity, purged in the horrors of war, by creating a new system which could save civilisation, in place of the vicious old system of secret, intriguing, immoral, bellicose diplomacy. For a moment the threatening attitude of Brazil shook to its foundations the fabric that Wilson had reared. But at once the real solidity of that fabric was revealed, and ensured the final triumph of the principle that national claims, however mistaken, misguided or false, must yet be heard and examined by the body of nations. The nation puts its case, and the conscience of mankind judges it. It is the supreme world-tribunal. There is no resort to violence, no injustice, no secret plotting of the chancelleries to withhold the right. Thus, on the shores of Lake Geneva, Wilson's dream is becoming a definite reality.

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In founding the League of Nations Wilson pinned his faith to open diplomacy and the moral force which world public opinion would bring to bear at times of crisis in international disputes. His belief in the efficacy of the open investigation of circumstances which might lead to war was based on the assumption that an assembly of free nations would meet at Geneva, and would be served by a Press independent of the caprice, violence and oppression of individual governments. Another Anglo-Saxon ideal which had its influence on the League when it came to be founded was that, as an international organ, the League should as far as possible be immune from the influence of individual governments and the political parties which dominate them, with their anxiety as to their own prestige and the unscrupulousness of their leaders.

In the dispute of 1926, however, Brazil represented the negation of both these principles.

The founders of the North American Constitution placed the direction of international

relations in the hands of the head of the Executive himself, public opinion in these youthful democracies constituting the only check on his powers. Both the authors of the federal system and those best fitted to interpret it regarded this subject as standing above party interest and passions. They did not foresee how economic and political relations would develop between continent and continent. They thought the doctrine of American isolation would last for all time; that the Atlantic routes would never be traversed by other than sailing-ships; that politics in the American continent would be resolved into a conflict between the absolutism of the Congress of Vienna and the defence of its own democratic ideals. Time has quickly shown that the world is too small to allow nations to live apart when they belong to the same civilisation, when they are advancing along the same paths, react to the same intellectual influences, hold the same moral ideals, strive after the same vision of content, and conduct their lives along parallel lines, like great trees in a forest all thrusting their branches upward toward the light.

The great war proved conclusively that the

moral, intellectual, economic, financial and commercial interests of the nations of the world are interwoven. That domestic and foreign politics are to day inseparable is an accepted fact, and many are the concrete cases which might be cited where the foreign policy of a State has been simply a reflexion, as it were, of its domestic disputes.

Brazil was passing through a period of domestic crisis, brought about through the flagrant and unwarrantable assumption of personal power by her President. The Government which he had corrupted was, it is true, hearing the end of its term of office. Of the 48 months during which he had been in power 42 were spent in a state of siege, in the capital itself and over the greater part of the country.

During the first twenty months of these four years he subverted law and order in the State of Rio by disregarding a sentence of the Supreme Federal Court. He promoted and fostered a sanguinary revolt in the State of Rio Grande do Sul. He intervened by forcible means in the political affairs of Bahia. He maintained a frankly unconstitutional situation in order to muzzle the Press and destroy public

liberties. He secured the adoption of the nefarious law abolishing the liberty of the Press. He interfered openly in the Federal elections, falsified the returns, shut the doors of the Senate and Chamber in the faces of the candidates who had really been elected, and packed the Congress with his own partisans. The inevitable response to such acts of violence was a civil war, which lasted to the end of his term of office.

The political situation in Brazil ultimately became intolerable. What could then be more natural than for the dictator who dominated the foreign policy of the country to look around for an easy and spectacular way out of the difficulties for which he himself had been responsible? The upshot was the Brazilian episode in the League crisis of 1926. The President of the Republic held in his own hands every means, both positive and negative, by which Brazilian public opinion could be moulded. The method he chose was to pander to the Jacobin sentiments of the crowd by cutting a big figure on the world stage, while at the same time gratifying the patriotic pride of the more cultured classes. So would he gain

applause, avert the full weight of public opprobrium which he had called down upon his head and cover his retreat when his four year's term of office came to an end.

The claim which the Brazilian Government presented to the League in March 1926 was not justified by the international political situation. It delivered an ultimatum to the nations over the head of its own ambassador. It took a strong line because it thought it would thereby enhance its own prestige at home. It cared little whether its claims were granted or not. It would not treat, or plead, or negotiate. In view of the difficulties that had arisen through the Polish claim there was no need for Brazil to have taken a definitely unfriendly line. The settlement of this case—which, incidentally, only concerned Europe—indirectly led to the fulfilment of her ambition, and opened up an increased prospect of realisation for the aspirations of a score of American States. But a diplomatic compromise at Geneva did not at all suit the personal policy of the Brazilian President. What he wanted was a *coup de force* in a melodramatic setting which would lead his country into mistaking

his stubbornness for ardent patriotism. The whole world, assembled at Geneva, should not daunt him, or shake the courage with which he defended the sacred rights of Brazil¹.

The League calmly warded off the blow the Brazilian Government dealt it. That Government itself had but a short remaining term of office, and has now vanished from the scene. Frank discussion of its acts will surely teach

1. These lines had already been written when we received Sr. Assis CHATEAUBRIAND'S book : *Terra Deshumana* ("The Inhuman World"). On p. 206 of this work this celebrated journalist quotes the following incident :

"After having brought about the crisis at Geneva, Dr. Bernardes, as if beside himself, said to a friend, who repeated his words to me :

"— I am afraid our claims are going to be favourably received by the League.

"— How is that? asked the other, astonished.

"— Because when this crisis began I had no thought of letting Brazil remain in the League. On the contrary, when I started the crisis, my idea was to bring about our withdrawal."

It is interesting to compare the President's attitude here—which bears out our own contention—with his previous references to the League in his messages to the National Congress :

"Whatever chance imperfections the League may have, he said, they are not such as to justify our withdrawal from this great institution, which is already playing an important part in the international relations of civilised peoples, and this even if only through its four admirable technical organs, the Economic and Financial, the Communications and Transit, the Health and the Intellectual Co-operation Organisations, with which many States not bound by the Covenant of the Treaty of Versailles have carried on active and fruitful co-operation."

(*Message of President Arthur Bernardes to the National Congress, May 3, 1925.*)

the Brazilian nation the truth. The falseness of its assertions, the insincerity of its claims, will be proved to the hilt. Nevertheless there are many lessons to be learnt from this great dispute. There is one great obstacle, one great bar, one great peril that threatens alike the American democracies, the League of Nations and the peace of the world itself—the suppression of public freedom in countries governed by violence. In such countries the withdrawal of the weight of public opinion means a lack of balance in political affairs; and—a still more serious matter—the foreign policy, becoming the lowly handmaiden of home politics, serves only to rescue the government from its difficulties. It is cast like a veil over the distractions taking place at home, in order to save some petty tyrant at the crisis of his rule. To a government based on violence, publicity simply means doses of lies and—silence. The healthy atmosphere of democracy which, in Wilson's dream, was to keep in check the pride, the ambition, the sordid self-interest of those who sit in high places, which was to safeguard peace and strengthen the hands of international justice, becomes changed by the fetid stagnation

of dictatorship. It breeds corruption and stifles the conscience of the people.

The sufferings we Brazilians have undergone, the illegalities we have had to tolerate, the risks to which we have exposed the elementary rights of family and citizenship, the degree to which we have imperilled our international security—all these should have taught us a stern but salutary lesson. Never again must a government be allowed to destroy the force of public opinion in Brazil. Never again must it be allowed to muzzle the Press or fill the prisons with its political opponents. No nation can survive unless it renders its public and private liberties immune from attack. When once this belief has taken root in the public mind, no government of violence can ever again seize the reins of power in Brasil. Salvation is ours if we but show ourselves resolved; and salvation will come, and come soon.

CHAPTER I.

**President Wilson.
The U.S.A. and the War of 1914-18.
The American Ideal of Peace.**

In the eight years that have passed since the signing of the Treaty of Versailles there have been published official documents, memoirs by actors in the great tragedy, criticisms, works of various kinds containing fresh facts and fresh explanations of facts already known, which may considerably modify the conception, formed in the heat of passion, of the memorable events connected with the liquidation of the world war. We Brazilians in particular, remote as we are from the movement of ideas with which the peoples directly responsible for the peace of 1919 are so strongly imbued, cannot form any opinion on international politics today without some recapitulation, even if only in outline, of the origins of that peace.

Thomas Woodrow Wilson was of Irish descent on his father's side and of Scottish descent on his mother's, a combination considered highly fortunate in the United States¹.

1. "Woodrow WILSON is descended on the paternal side from Ireland and on the maternal from Scotland. This Scotch-Irish parentage is considered in America as highly fortunate ; the type is known to be strong and able both physically and mentally." Lars P. NELSON : *Président Wilson*, Stockholm, 1919, p. 5.

Owing to the vicissitudes of his father's calling¹, his education was of a somewhat nomad character, and he attended a number of different colleges and academies.

After studying law in Virginia, he took his doctorate in political science at the Johns Hopkins University, the title of his thesis being *Congressional Government*.

This specialist in public law was a man of puritanical and religious disposition². The rigidity of his professional position proved irksome to him when he attempted to practise as a lawyer in Atlanta, Ga., in 1882-1883³. What he needed was a university training, with its spiritual freedoms and its accumulation of a reserve of intellectual power, quick to be brought into play and applied to the great social enterprises of the time. We rarely find in Brazil this type of modern philosopher,

1. Wilson was born on December 28, 1858, and was the son of Joseph Ruggles Wilson, minister and teacher.

2. "Woodrow Wilson was an inbred Calvinist." William Allen WHITE : *Woodrow Wilson, the Man, his Times and his Task*, Boston, 1924, p. 3.

3. "He seemed unfitted by nature, however, for either pleasure or success in the practice of the law. Reserved and cold, except with his intimates, he was incapable of attracting clients in a profession and locality where ability to "mix" was a prime qualification." Charles SEYMOURS : *Woodrow Wilson and the World War*. New Haven : Yale University Press, 1921, p. 2.

“this free capital of mind that awaits investment in undertakings, spiritual as well as material, which advance the race and help all men to a better life¹”. That is how the universities of the United States train and produce a reserve of men fit for the highest offices of public life².

From 1890 on Wilson was a professor at Princeton, one of the four oldest and most important universities in the United States. In 1902, with the help of his friends, he secured the Presidency of the University. Bryce writes in his well-known work : “No one, not even a banking or railway magnate, was better known in the New World than the President of one of the older Universities—Harvard, Yale, Cornell and Princeton.” The heads of these universities possess a very high standing in the country, due partly to their wide material powers—the funds, offices and posts that are in their disposal—but due mainly to the immense spiritual and moral influence they exercise not only directly on the students but

1. WILSON : *Inaugural Address as President of Princeton University*.

2. These comments were made to me by the learned Professor Frederico Vergueiro Steidel, of the Faculty of Law at S. Paulo.

on all the younger generation and on the whole intellectual life of the United States.

In 1907 Wilson already had the Presidency of the Republic in mind when he gave a series of lectures which he afterwards published under the title *Constitutional Government in the United States*. One of his earliest biographers, H. J. Ford¹, affirms that the President of Princeton never lost sight of this aim.

In 1910 the election was held for the Governorship of the State of New Jersey, in which Princeton University is situated. It appears to have become a tradition in modern times that the political parties, following the natural path of promotion, should select their candidates for the Presidency of the Republic from among the 48 State Governors; and so Wilson's friends opened a campaign to obtain for him the Governorship of New Jersey, a step which foreshadowed the turn events were to take in the Presidential election of 1912.

Wilson began his public life at the age of 54, when, on the 15th of September, 1910, he was elected Governor of New Jersey.

1. Henry James FORD : *Woodrow Wilson, the Man and his Work*.

This illustrious statesman can hardly be said to have had a political career in his own country. A mere university professor in 1890, President of his university in 1902, Governor of New Jersey in 1910, he became, two years later, President of the American Union, the gréatest political office in the world, without ever having been a deputy, a senator or a minister, with hardly any experience of political life, and certainly without any commitments from a previous party career.

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There is no clear line of distinction between the programs of the two great American parties. Indeed it is said that no one more closely resembles a governing Republican than a Democratic member of the Government. The Democratic policy tends of course to be less protectionist and less centralist than the Republican; but a Democratic writer, who maintains that the party programs do not overlap¹, can only adduce these two tendencies in evidence of the

1. PERRY BELMONT : *The Policy of the United States and Europe*. Introduction.

gulf that, as he alleges, separates the two great parties.

Barclay, in the second chapter of his interesting book on President Wilson¹, examining the Democratic and Republican parties of America, states that the only characteristic difference between them arises out of the different policies upheld in the early days of the Republic by the famous rivals, Hamilton and Jefferson, both of whom were Ministers under President Washington. Hamilton, who was at the Treasury, thought that the central power should be strengthened, while Jefferson, who was in charge of foreign affairs, maintained that the States of the Union had a right to the maximum of individual independence compatible with national defence.

Daniel Halévy², the distinguished biographer of President Wilson, compares these two parties to the two great Paris Bazaars, the Louvre and the Bon Marché. "Both", he says, "have the same functions—to supply families with goods. They compete by offering bargains,

1. Sir Thomas BARCLAY : *President Wilson and the Evolution of the Foreign Policy of the United States*.

2. Daniel HALÉVY : *Le Président Wilson*, Payot, Paris, 1919, p. 109.

each better and cheaper than the last. The customers of each patronise either according to the attractiveness of the wares offered."

Each of these parties is composed mainly of a vast accumulation of clients and public offices and posts. The continual growth of democracy in the United States tends to strengthen the two organisations, which dispose of thousands of elective offices. The connections of both with Wall Street interests, however, have had the effect of lowering them in the public esteem, and for this reason it is not uncommon for them to try to find candidates for high offices outside the professional political machine, the object being to induce the many-hundreds of doubtful voters in the party lists to give their support to a candidate whose name is above suspicion.

In the election of 1912 the Democrats showed a united front, and Bryan, who had twice been the unsuccessful candidate of the party, was the prime factor in bringing about unity. He said: "Rally round Wilson. He will never be the man for the moneyed interests." The Republican party was split, with rival candidates in Taft and Roosevelt; and as a result,

Wilson was elected by 6,286,987 votes to 7,601,617 votes divided between the two Republican candidates. Thus came the fulfilment of his friend's augury when, in the democratic Convention, the name of Wilson had been acclaimed with applause, shouts, whistles and noises of all kinds for an hour and a quarter, an ovation only surpassed by that given to Bryan, which lasted for an hour and 27 minutes—and was followed by Bryan's defeat at the Presidential election!

If we think of Wilson merely as a Democratic candidate who had previously been President of Princeton, professor of political science and an eminent publicist and sociologist of his time, we are likely to mistake his real mental outlook on politics. Democrat though he was, he was yet pre-eminently an authoritarian,—a “Cæsarist”, as one of his biographers calls him. Though a doctor of public law, he was hostile alike to legal formalism and to the legal mind, which latter he regarded as simply a hindrance to the liberty of action of those who govern¹.

1. “It is a fact, which Mr. Wilson has taken no trouble to conceal, that he does not value the advice of lawyers except on strictly legal questions, and that he considers their objections

That is why Professor Lapradelle always says that "President Wilson was not a jurist but a philosopher-jurist²". His mind had been moulded by the teachings of religious morality, and in consequence his outlook was fundamentally conservative until he became convinced of the moral necessity of a reform; whereupon he would become quite revolutionary and would use the most startling means to attain his ends.

Owing to its proximity to New York, New Jersey is one of the most important States of the Federation. It was controlled by the rings and bosses of professional politics, and as a result of the corruption of its governors its laws were highly favourable to the designs of firms and companies which found themselves in difficulties owing to the legal requirements of the neighbouring State. New Jersey had acquired an unsavoury renown as a safe refuge for the headquarters of disreputable concerns. As Governor of the State, Wilson proposed to

and criticisms on other subjects to be too often based on mere technicalities and their judgments to be warped by an undue regard for precedent." Robert LANSING : *The Peace Negotiations*, Boston New York, 1925, p. 41.

2. Lectures on International Public Law, Faculty of Law, Paris. *Académie Year*, 1924-1925.

carry out sweeping reforms, and in order to initiate them he became leader of the party which had just elected him. “ If I am elected”, he had said in his electoral program, “I myself shall be head of my party, and my duty will be to govern as the direct representative of the whole of the people in the State”. No sooner was he elected, therefore, than he passed a law compelling party decisions to be made public and prescribing the form in which the parties must present their candidates. Having suppressed secret committees, he publicly assumed the leadership of his party and responsibility for its proceedings. More, he opposed the candidature of a certain corrupt boss for a Senatorship, proposed another candidate instead and openly took part in the election campaign. Never before had the head of a State Executive been known to take part in an electoral campaign for the organisation of its legislature or its Federal representation.

The act of the Governor of a State in intervening thus publicly in electoral matters was stigmatised as a shameful attempt to establish a dictatorship, and a storm of protest was raised in one State of the Union. But Wilson

went on with the work of social and political reform which he had planned and for which he had his instruments prepared. He wrested the power from the professional leaders by simplifying municipal administration, cutting down the number of jobs and reducing the occasions for election. He kept politics out of the public services. He passed laws punishing corrupt practices at elections, and new laws on matters of labour and social insurance. His authoritarianism was plainly modelled on the Calvinist conception of democracy. The pastor, anointed by God, is the embodiment of the principle of authority, undisputed because standing above and beyond the fickleness of human caprice.

In the exercise of his duties as leader Wilson naturally extended his moral authority beyond the rule of law or man-made regulations. In his first campaign for the Presidency of the Republic he had two main objectives : to strengthen the executive powers of the President of the Republic and to extend the rights of the people, at the expense of the authority of its representatives. He even sought to reform the Constitution, with the object of

bringing the State into direct dependence on the masses, by giving the people the threefold right of referendum, initiative and revocation. Had his ideas gained acceptance, there would have been in the United States only two—parallel—political forces, *viz.* the American people, possessing all rights, and the President of the Republic, armed with all powers.

All this machinery of authority had, however, a high moral purpose. It was a campaign *à outrance* against the forces of money, bribery and corruption. Battle was to be joined with the financial magnates, and Wilson made a resolute stand against protection and in favour of banking reform.

We look in vain in this political system for the old conception of freedom, the movement towards independence in life and thought which had given birth to Liberalism in England. To Wilson's mind, liberty lay only in the fulfilment of a social duty. "Human freedom", he said in the course of his first Presidential campaign, "consists in perfect adjustment of human interests and human activities and human energies to one another.¹"

1. *The New Freedom*, Wayfarer's Library Ed., p. 220.

In the same speech he compares freedom with the harmonious interplay of all the parts of an engine hauling a train. The working of the machine as a whole is in the hands of the driver—in other words, the executive authority. In his ultimate aims alone was he an enthusiastic collectivist. The destination to which he drove his engine was social justice; he was inspired solely by his sense of public duty.

His policy was to pursue a purely idealist aim, to exercise vast authority, limited only by the national conscience, and to enable every aspect of public opinion to find expression; for as we all know, public opinion is the underlying force, the latent power in the United States. It alone creates all authority, it alone kindles the bright flame of idealism in the great American Republic.

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No one in the whole world thought that the drama of Sarajevo was to be the prelude to the overwhelming tragedy of 1914. The events of the end of July in that year took the

chancelleries of the Great Powers of Europe by surprise, but in America they caused absolute consternation.

In Brazil the emotions which the war produced were not complicated by any race-loyalties on the part of large masses of the population, because the ethnical unity of our country is undisturbed by the relatively small influx of newcomers among its citizens, and their influence, intellectual or moral, is very slight indeed. The position is different, however, in the United States. The mass of the population is made up of Slavs, Italians, Germans, Jews, Poles, Irish and English, each and all of which elements exercise a great regional and ethnical influence. They loom large in social, economic, financial and political affairs. They all possess important Press organs, and they carry considerable weight in both political parties. The sentiments of every American citizen are swayed by his origin, and he is only too prone to become an ardent protagonist of the cause of his country of origin when—as frequently happens—its sufferings, its frustrated aspirations have left an indelible record in the hearts of its emigrant sons. The effect of the Euro-

pean war on American sentiment might, so thought those in charge of the country's destinies, become highly dangerous, and President Wilson decided to send a message to the people of the United States (August 18, 1914)¹: "The effect of the war on the United States", he said, "will depend on what American citizens say and do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what ministers utter in their pulpits and men proclaim as their opinions on the street".

This message simply marks out for the whole Republic a policy of neutrality towards the European conflict. The President gives his counsel to every citizen, intervenes in the matter of individual opinion, and suggests a line of conduct to be followed in the street,

1. *President Wilson's Foreign Policy*, ed. J. B. Scott, New York, Oxford Univ. Press, 1918, pp. 66, 67.

in society, in church, even in the intimacy of the family circle. He imposes as it were a great rule of patriotic hygiene in order to protect national unity against the growing danger of civil strife caused by the spectacle of the world war.

October 4th, 1914, was officially appointed in America as a day of national prayer for world peace¹.

President Wilson was already beginning to talk of peace. He attempted the first negotiations after the Battle of the Marne². On October 25, addressing the Young Men's Christian Association, he announced that the arbitration treaties recently concluded by the United States laid down that no dispute should be decided until a year had been allowed to elapse, during which it would be discussed by a court of arbitration and enquiry. It was thought that this period of a year would be more than enough to allow heat and passion to calm down and so enable an equitable and humane solution to be found even in the most dangerous quarrels. This idea of the sedative

1. Daniel HALÉVY : *Le Président Wilson*, Payot, Paris.

2. HALÉVY, *op. cit.*, p. 171 ; H. J. FORD, *op. cit.*, p. 248.

effect of time was to recur on still more momentous occasions.

But the sincerity of his neutrality proposals and his growing anxiety to obtain an organised and permanent peace greater than the peace which simply follows on the cessation of hostilities required in his opinion to be publicly attested. Throughout the close of 1914 he strove to prevent increases in armaments, for which American public opinion was clamouring. He insisted that the naval estimates should be limited, and addressing Congress in December of that year he declared: "We shall not turn America into a military camp. We will not ask our young men to spend the best years of their lives making soldiers of themselves."

Then, on the 7th of May, 1915, came the sinking of the *Lusitania*. This tragedy off the Irish coast brought the war home to the heart of America. For the first time the struggle had touched American men, women and children. The number¹ and names of the victims were known, and passed from mouth to mouth

1. "Of 197 American citizens on board the *Lusitania*, 69 were saved and 128 perished." WITENBERG : *Commission mixte de réclamations germano-américaine*, Paris, Les Presses Universitaires de France, 1926, p. 22.

throughout the length and breadth of the United States. From that day the American people were ready and eager for war. And the President's policy also took definite shape and direction.

In his speech to Congress on December 7, 1915, Wilson laid down a program of military preparedness, and at the end of January 1916 he toured the country on a campaign in favour of the new armament laws which he had laid before Congress.

On March 24 of that year the ss. *Sussex*, crossing the Channel from Folkestone to Dieppe, was torpedoed without warning by a German submarine. The daughter of Professor Baldwin was on board the attacked vessel with her father, and was severely injured. "An American citizen", said Professor Baldwin in a telegram sent direct to President Wilson, who was an old colleague of his at Princeton, "travelling on her lawful occasions and bearing an American passport, has been injured on board the *Sussex* and is lying between life and death; she demands reparation for this attack on American life and liberty."

The German Government then offered guar-

antees that if American citizens were encountered in any merchant ship attacked by a German submarine, such ship would not be sunk before warning was given and means provided to save the passengers and crew.

In 1916 America was again swept by a violent campaign in favour of intervention in the war on the side of the Allies. On May 27 the League to Enforce Peace, under the Presidency of ex-President Taft, organised a solemn meeting and invited President Wilson to address it.

Wilson began his speech by admitting that no nation would have persisted in its provocative policy had it foreseen the far-flung alliances that would be formed to frustrate its designs. The deadweight of international agreement, therefore, can overcome the desire for war. "It is imperative", said the President, "that (the United States) should agree to co-operate in a common cause, and that they should so act that the guiding principle of that common cause should be even-handed and impartial justice.

"We believe these fundamental things : First, that every people has the right to choose the

sovereignty under which they shall live... Second, that the small States of the world have a right to enjoy the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon. And, third, that the world has a right to be free from every disturbance of its peace that has its origin in aggression and disregard of the rights of peoples and nations.

“The United States”, concluded the President, “is willing to become a partner in any feasible association of nations formed in order to realise these objects and make them secure against violation¹.”

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At the end of 1916 the new Presidential campaign opened. Wilson was still the Democratic candidate, and Hughes was the Republican. The contest was carried on without any clamour of controversial programs. The candidates did not talk of the war. This circumstance is a curious feature of electoral

1. *The New Democracy* (1926), vol. II, pp. 186-187.

conditions in a large and enlightened democracy like that of North America. The problem was extremely complex. It transcended the powers of either candidate. Neither could find any watchword which would appeal to the mass of voters and reconcile the views of all on the conflagration raging in Europe. Yet in this impressive silence it was realised that both candidates were for war; but Wilson had the advantage among the more backward populations of the middle and west, for he had gained the reputation of having "saved the peace¹".

It was probably these doubtful votes which eventually gave him a small majority over his opponent.

On January 22 the re-elected President addressed to the Senate² his historic and world-renowned speech on the essential conditions of permanent peace. A great neutral nation, in face of the havoc of war, here laid down its program of perennial peace. But it

1. In the case of the *Lusitania* and the *Sussex*.

2. Wilson was the first President to lay down his policy in a speech to the Senate. From the outset of his term of office he had revived the precedent, set by President Washington and Adams, of reading messages to Congress in person. The practice had been discontinued since Jefferson's time.

was not to last. A few days later Germany withdrew the undertaking she had given after the sinking of the *Sussex* and reverted to unrestricted submarine warfare. In his speech of February 3, 1917¹, Wilson informed Congress that he had broken off diplomatic relations between his country and the Central Empires.

On April 2, 1917, Congress, at a special session, declared war on Germany.

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The entry of the United States into the war coincided with the first rumours of revolution in Russia. On March 15, 1917, the Tsar was forced to abdicate, and Kerensky came into power. In November Russia fell into the hands of the Bolsheviks, and on December 15 the armistice was signed between the former Muscovite Empire and its Central European foes. Lenin then called on Russia's allies to publish their war-aims. Lloyd George, after

1. *Les Notes et Messages du Président Wilson*, traduits par F. F. ROGET, Genève, George et C^{ie}, 1918, pp. 15 et seq.

consulting the British Dominions and the Allies, laid down England's terms on January 5, 1918. Three days later Wilson addressed to Congress his famous message containing the fourteen conditions of peace. Then a strong movement for an "organised peace" sprang up in England, supported by such influential personages as Lord Bryce, Lord Grey, Asquith, Balfour and Lord Lansdowne. The British Government itself was swayed by its influence, and, through Lloyd George, identified itself with it.

After his speech on the Fourteen Points, Wilson followed up the principles he had laid down in his reply to the Addresses of the German Chancellory and Austrian Ministry of Foreign Affairs. This speech, delivered in Congress on February 11, 1918, is generally known as the speech of the Four Fundamental Points of World-Peace.

Before the Armistice there was to come from Wilson yet another great message expounding the objects of peace. On September 27, 1918, in a speech delivered in the Metropolitan Opera House², Wilson reaffirmed his intention to

2. Commonly known as the speech of the Five Principles.

create an instrument capable of maintaining and ensuring universal peace... "Shall peoples", he asked, "be ruled and dominated, even in their own internal affairs, by arbitrary and irresponsible force, or by their own will and choice? Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will and the weak suffer without redress?... It is of capital importance that we should also be explicitly agreed that no peace shall be obtained by any kind of compromise or abatement of the principles for which we are fighting... It will be necessary that all who sit down at the peace table shall come ready and willing... to create... the only instrumentality by which it can be made certain that the agreements of the peace will be honoured and fulfilled."

The idea of a League of Nations was officially incorporated in one of President Wilson's Fourteen Points. After his speech of September 27, 1918, it was clear that America would not consider any treaty or instrument of peace that was not definitely bound up with the permanent organisation of the League.

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Robert Lansing, in his memoirs, says : "The great bulk of the American people, at the time when President Wilson left the United States to attend the Peace Conference, undoubtedly believed that some sort of organisation of this nature was necessary¹." And he adds : "I am convinced that the same popular belief prevailed in all other civilised countries."

In point of fact, this idea, which originated in the intellectual circles of Europe and America, had only been accepted by the American people by dint of constant repetition in the speeches and addresses of President Wilson. He stood in his own country as the embodiment of the new idea of "peace organised to maintain peace". The arrangements, agreements and negotiations which wound up the war had little interest for the democracy on the other side of the Atlantic. Its one passionate desire was that the ideal of a just peace should be

1. *Op. cit.*, pp. 31 and 32.

attained, a peace based on Right, permanently assured by the will of the peoples.

This resolve to create an instrument of peace based on the common decision of the peoples of the world must be realised at the outset if the somewhat obscure facts of the Paris negotiations of 1919 are to be understood. There is very little point in the claim that the Covenant of the League is of Anglo-American origin merely because there happen to be a number of jointly accepted principles embodied in it, or even because, technically, it was drafted jointly. The spirit which animates it is, and can only be, the spirit of America, whose aim—a war to end war—was attained by the founding of a League of Nations as the ultimate weapon of peace. When the history of civilisation comes to be written, it will be said of the Geneva institution that it represented an American ideal, realised in Europe because America implanted it there.

CHAPTER II

The Evolution of the Covenant of the League of Nations. Its Political Conception.

On January 8, 1918, President Wilson delivered his famous speech known as the speech of the 14 *basic principles of international justice*, and followed it up on February 11 of the same year with the speech containing the four conditions which the United States regard as forming the basis of the future peace negotiations.

The British Government appointed a Committee¹, under the chairmanship of Lord Phillimore², to prepare a draft scheme for a League of Nations on the lines advocated by the powerful peace movements which had been active in the course of the war both in Europe (particularly in England) and in the United States³.

1. The members of this Committee were Sir Cecil Hurst, the jurist, the historian Holland and the diplomat Sir Eyre Crowe.

2. Lord Phillimore is one of the most distinguished and enlightened internationalists in the world.

3. From the outset of the war various personalities and associations had begun to study the bases of a treaty of permanent peace. With this object Professor Nippold instituted a Swiss Committee in August 1914. In the following month Ramsay

This preliminary draft, which contained 18 articles, was handed on March 20, 1918, to Lord Balfour, then British Secretary of State for Foreign Affairs.

In May 1918 the Phillimore scheme was presented at Washington to President Wilson, who handed it on to his close friend and

MacDonald, Trevelyan and Ponsonby in the British Parliament, and the writers Norman Angell and Morel, founded in England the Union of Democratic Control. The desire for peace expressed by the British Prime Minister, Mr. Asquith, in the speech which he delivered on September 25, 1914, in explanation of his policy, are well known. In October there was founded at The Hague the "Anti-War Council" (Anti-Oorlog Raad) with a wider program than that of the corresponding societies in Switzerland and England; it treated the problem from an international and not a national point of view.

On November, 15, still in the same year, the three Scandinavian inter-parliamentary groups met at Christiania under the presidency of M. Horst, a former President of the Norwegian Lagting, and agreed to do all in their power to educate public opinion and the governments of the various countries with a view to ensuring that the peace following on the cessation of hostilities should be permanent.

Simultaneously with these activities there was founded in Germany itself the pacifist society called the *Bund Neues Vaterland*.

As early as March 1915 there was organised in England the League of Nations Society, which in 1918 combined with the sister society the League of Nations Association to become the League of Nations Union.

In France there were various associations which upheld the pacifist ideal and urged the need for a League of Nations. These included the old *Société française pour l'arbitrage entre les nations*, the *Ligue des droits de l'homme*, the *Ligue de la paix et de la liberté*, the *Association de la paix par le droit* and the *Association française pour la Société des Nations*. Peace ideals were dissemi-

confidant, Colonel House, with instructions to frame the American preliminary draft Covenant of the League of Nations to be put forward at the Peace negotiations.

The Phillimore scheme was conceived in a purely political spirit. It did not provide any

nated by means of bulletins and reviews, such as the well-known *Paix par le droit* which succeeded the *Arbitrage entre Nations* and the *Revue de la paix*.

Among French public men who strove to obtain a permanent peace mention should be made of Frédéric Passy, Charles Lemonnier, Charles Richet, Albert Thomas, Ferdinand Buisson, Gabriel Séailles, Emile Arnaud, Decharne, Edmond Thiaudière, Maurice Bokanowski and above all Th. Ruysen, Georges Scelles, Jules Prudhommeaux and Jules de Puech, who displayed such courage and resolution during the war, in collaboration with the eminent statesman, M. Léon Bourgeois, whose tireless activities earned him the title of the "grandsire of the League".

In the United States, throughout the war, the century-old American Peace Society (founded in 1815) was constantly at work, as were also the Carnegie Endowment and the Ginn Foundation. In 1915 the World Court League was founded, and in the same year the great industrialist, Henry Ford, organised, though fruitlessly, his "Peace Crusade", and fitted out a ship in which he proceeded to Europe at the head of a group of American pacifists.

Undoubtedly the main centre of peace activity in the United States was the League to Enforce Peace, founded at Philadelphia in January 1915 under the Presidency of ex-President Taft.

It was at the first annual meeting of this League, held at Washington on May 27, 1916, that President Wilson delivered his famous speech which formed the starting-point for a campaign in favour of "a peace which should be the outcome of organised and peaceful international relations" and which led to his being regarded, "in the eyes of the world", as the apostle of the League idea. CH. LANGE : *Les origines de l'œuvre de la Société des Nations*, published by Kask-Orstedfonden, Copenhagen, 1923, vol. I, p. 44.

method of solving international disputes beyond arbitration and conciliation. Colonel House, influenced by the celebrated American statesman and jurist, Elihu Root, introduce the International Court of Justice into his scheme, and with it the germ of the procedure for judicial settlement. With his close knowledge of Wilson's inmost mind, Colonel House was able to frame his scheme in accordance with the general directions he had received. He drew up articles—which form part of the Covenant today—providing reciprocal and positive guarantees of the territorial integrity and political sovereignty of the nations belonging to the League, and laying down economic and military sanctions in certain cases of the violation of treaties.

At the end of July 1918 President Wilson received Colonel House's plan, drafted in 23 articles, carefully revised it and ultimately reduced it to his own draft of only 13 articles.

The President's superstitious regard for the number thirteen is well known. The name by which he is usually known—Woodrow Wilson—has thirteen letters. His public life had lasted thirteen years; and by a curious coincidence the

number of articles in the Covenant in its final form was twenty-six (twice thirteen)¹.

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Thus President Wilson came to Europe with a preliminary draft scheme for a League of Nations, based on the work of Colonel House. This in its turn was framed on the Phillimore scheme, which however did not contain Root's suggestion for the creation of an International Court of Justice. Wilson, indeed, regarded this instrument of permanent peace as primarily a diplomatic and political document. The first article of the President's plan reveals with unmistakeable clearness the political character which the League was to have. It reads as follows :

ARTICLE 1. — "The action of the Signatory Powers under the terms of this agreement shall be effected through the instrumentality of a

1. William Allen WHITE : *Woodrow Wilson, the Man, his Time and his Task*, Boston, 1924.

"Thirteen was his favorite number; his lucky number. It was one of his few Irish superstitions to fondle the number thirteen in his life." Chap. XXII, p. 469.

Body of Delegates which shall consist of the ambassadors and ministers of the contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body or Delegates shall be held at the seat of government of H. and the Minister for Foreign Affairs of H. shall be the presiding officer of the Body.

“Whenever the Delegates deem it necessary or desirable, they may meet temporarily at the seat of government of B. or of S., in which case the Ambassador or Minister to H. of the country in which the meeting is held shall be the presiding officer *pro tempore*.”

On arriving in Paris the President made the acquaintance of two new British schemes, those of General Smuts and Lord Robert Cecil.

It was in General Smuts's scheme¹ that the President first came across the term “international mandates”, which provides an admirable definition for the vague and indecisive formula used in the fifth of the Fourteen Points of Wilson's speech of January 8, 1918.

1. Lieutenant-General the Right Hon. J. C. SMUTS : *The League of Nations, a Practical Suggestion*, London, 1918. A French translation of this pamphlet was published in Paris, 1919, entitled : *La Société des Nations, une suggestion pratique*.

Lord Robert Cecil's draft was pre-eminently political in character. According to its terms, the League of Nations was to be directed by two organisations—a Council and an Assembly. The Council would consist of representatives of the Great Powers, those Powers regarded as secondary being rigorously excluded. These latter formed the General Assembly, which was to meet every four years to discuss problems of common interests. Wilson at once adopted two of Lord Robert Cecil's ideas. The first consisted in the division of the general body of nations into two separate co-existent organs, having the same powers and attributes,—the Council and the General Assembly. Up till then a General Assembly alone had been contemplated; now, however, there was to be a Council composed of a small number of nations, among which the Great Powers would be predominant. This body was intended to function continually, acting in the same capacity as the Assembly in the settlement of any urgent cases referred to the League. The new idea adopted by Wilson was derived directly from Lord Robert Cecil's original plan, by which the government of the League would be

left to the discretion of the Great Powers. It answered the political needs of the hour; it was perhaps consciously framed to meet the stern necessities, to cope with the force of circumstances which would compel the League to adopt an oligarchical constitution. But such a constitution was naturally something of a surprise to the large number of democracies and republics which were eager to become members of the new body.

The political conception of the future Covenant of the League was thus clearly defined.

A great jurist, Professor of Law at Cambridge University, gives the following explanation of it :

“Since the Great Powers are the heads of the family of nations, and since, whenever the League is obliged to proceed against a recalcitrant member, it is they who are most concerned in the matter, seeing that they have the largest armies and the strongest navies—it is only just and fair that they should always be represented on the Council¹.”

The other idea of Lord Robert Cecil's which

1. PROF. L. OPPENHEIM : *Le caractère essentiel de la Société des Nations*, Paris, Pedone, 1919, p. 12.

Wilson adopted has already found a place in the President's philosophy of international relations. Publicity for all the proceedings of the Conference, for all agreements and treaties entered into between the nations members of the League would tend to quicken the public conscience in every country and so build up a moral policy capable of preventing unscrupulous usurpers of the reins of government from attempting to embark on policies of adventure and schemes of self-interest².

Other schemes for a League of Nations were submitted by the Governments of France, Holland, Austria, Italy, Switzerland and the Scandinavian countries. In addition there were a scheme put forward by the German Society of International Law and a series of observations by the American Secretary of State himself, Robert Lansing, who with President Wilson was a member of the United States delegation. By a curious anomaly this minister of Wilson's, who had succeeded Bryan, was

2. Prof. H. LALOUEL, in a noteworthy article in the *Revue Générale de Droit International Public*, issued as a separate publication by A. Pedone, Paris, 1923, entitled *Les Conceptions politiques de la Société des Nations et l'élaboration du Pacte*, has made an interesting comparative study of these different plans, pp. 13 et seq.

a member of the Republican party. His opinions, ideas and suggestions were never given the least consideration by Wilson, nor did the President, to whom they are addressed, ever deign to reply to them¹. This extraordinary circumstance reveals the authoritarian character of the President, who, as the person solely responsible under the American Constitution for the international policy of his country, was determined to make wide use of his powers².

As a result of the influences brought to bear by the British Labour Party and certain politicians in England, who advocated a Zionist scheme, President Wilson decided to include the articles regarding labour conditions and the protection of linguistic, racial and religious minorities.

On April 10 Wilson received a delegation

1. See Robert LANSING : *The Peace Negotiations*, p. 4, and particularly the whole of Chapter XVI : *Secret Diplomacy*.

2. "...the Constitution of the United States confides to the President the absolute right of conducting the foreign relations of the Republic, and that it is the duty of a Commissioner to follow the President's instructions in the negotiation of a treaty. Many Americans, some of whom are national legislators and solicitors about the Constitution, seem to have ignored or to have forgotten this delegation of exclusive authority..." *Op. cit.*, p. 6 ; See also, p. 37.

from the Women's International Council and the Conference for Women's Suffrage in the Allied Countries and the United States, and was given a promise of their support for the League of Nations, conditional upon the recognition of certain feminist principles and the acceptance of certain high standards of public morals. Among the numerous feminist claims the following were embodied in the Covenant : — All positions and services under the League are open equally to men and women (Art. 6); steps are to be taken in regard to the traffic in women and children (Art. 23); and international measures are to be organised to prevent and combat epidemics (Art. 23).

Wilson and Lloyd George did not reach complete agreement on the League of Nations scheme until the American President had dropped the question of the freedom of the seas, which was laid down in one of the Fourteen Points of his famous speech. It was a curious argument by which Lloyd George induced Wilson to give way on this matter. "The freedom of the seas", he said, "is a question which will only be of practical importance in time of war. The League of Nations

is to be founded for peace, to maintain and ensure peace. War problems lie outside its scope and should not come within the purview of its organisations. The freedom of the seas, therefore, is not one of those subjects which would be acceptable to the majority of its supporters.”

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Two jurists, Sir Cecil Hurst, for England, and David Hunter Miller, for the United States, were instructed to draw up the final preliminary draft, the evolution of which has just been briefly described, and it was submitted to the Commission appointed by the Peace Conference to draw up the Covenant. This Commission duly took cognisance of it and forthwith began its work.

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At the first meeting of the Peace Conference (January 8, 1919), President Poincaré said

that one of the tasks the Conference would have to accomplish would be to create the League of Nations.

At the second meeting, on the 25th, a resolution was passed laying down the general lines of the League scheme, and thereupon a Committee of 15 members was formed, 10 representing the five "Principal Allied and Associated Powers"¹—i. e. two representatives each ...and five for the so-called "Powers with limited interests"².

Some of the representatives of the smaller countries protested against this organisation, and a heated debate ensued, but eventually after a long and vigorous explanatory speech by M. Clemenceau³, they were obliged to give way.

From February 6th on, four other Powers were represented, namely, Greece, Poland, Rumania and Czechoslovakia. The Commission was composed as follows: President Wilson

1. The United States, Great Britain, France, Italy and Japan. They are termed and specified in Article 227 of the Treaty of Versailles.

2. Belgium, Bolivia, Brazil, China, Cuba, Czechoslovakia, Ecuador, Greece, Guatemala, Haiti, Hedjaz, Honduras, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Rumania, Serbia-Croatia-Slovenia, Siam, Uruguay.

3. André TARDIEU : *La Paix*, Paris, Payot, 1921, p. 110.

and Colonel House, for the United States ; Lord Robert Cecil and General Smuts, for England ; Léon Bourgeois and Larnaude, Dean of the Faculty of Law at Paris, for France ; Orlando, Prime Minister, and Senator Professor Scialoja, for Italy ; Baron Makino and Viscount Chinda, for Japan ; Paul Hymans, Minister for Foreign Affaires, for Belgium ; Senator Epitacio Pessoa, for Brazil ; Wellington Koo, the Chinese Ambassador, for China ; M. Batalha Reis, Minister, for Portugal ; M. Vesnitch, Minister, for Serbia. Later (from February 6) the following were added to the Commission :—M. Venizelos, Prime Minister, for Greece ; M. Dmowski, for Poland ; Diamandi, for Rumania ; and M. Karl Kramar, Prime Minister, for Czechoslovakia¹.

1. " These names in themselves suffice to show that the Commission had been picked from among the elect, and excelled all others as regards the eminence and ability of its members." George SCELLE : *L'élaboration du Pacte*, from *Les Origines et l'œuvre de la Société des Nations*, Copenhagen, 1923, vol. I, p. 98.

" This Commission had an extraordinarily brilliant membership. It included one head of a State, President Wilson, and a future head of a State, M. Epitacio Pessoa ; MM. Bourgeois, Orlando, Venizelos and Kramar, Prime Ministers or ex-Prime Ministers ; M. Hymans, Baron Makino, Lord Robert Cecil and General Smuts, Ministers or ex-Ministers ; and one jurisconsult, M. Larnaude, Dean of the Faculty of Law at Paris." M. LALOUEL : *Les conceptions politiques de la Société des Nations et l'élaboration du Pacte*, Paris, Pedone, 1923, page 44.

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From February 3 to 13 the Commission met, with President Wilson in the chair, in one of the rooms of the Hotel Crillon at Paris. Any suggestions or proposals likely to upset the Hurst-Miller draft were adjourned *sine die* or firmly relegated to the margin. On February 14 the text of the draft as finally approved by the Commission was submitted to the Peace Conference in the Clock Room of the Quai d'Orsay, and was finally adopted there. This draft of the Covenant clearly revealed the pre-eminently political complexion of the League. According to Article III the Council was to consist exclusively of representatives of the Great Powers "together with representatives of four other States, members of the League, The selection of these four States shall be made by the Body of Delegates on such principles and in such manner as they think fit. The five Great Powers alone held permanent seats. The possibility of increasing the number of permanent seats was only embodied in the Covenant at the final stage, as adopted on

April 28, 1919 (Article 4, Paragraph 2).

From February 15 to March 14 President Wilson was back in his own country, where he had to fulfil a number of duties required by the Constitution. During this time the text of the Covenant was telegraphed to the United States, where it gave rise to widespread discussion both from the theoretical, legal and political standpoints and also from the purely party point of view. The Democratic party had lost at the Congressional elections, and the American Senate was to have a last word to say on the Covenant when the Treaty of Peace came up for ratification.

It was on the return journey to Europe on board the *George Washington* that Wilson resolved to subject the Covenant to final revision—despite the fact that it had already been approved by the Peace Conference—in order to implement certain suggestions which had been made by various American leaders, both Democratic and Republican.

This decision of Wilson's is known to have been inspired mainly by the documents he received on board—a letter from Senator Hitchcock, three radiotelegrams from Taft and from

Lowel, President of Harvard University and a message from Senator Root.

Of the American amendments, some arose out of objections based on the traditional foreign policy of America, as laid-down in Washington's farewell message and in the Monroe doctrine; others were due to interpretations of the Constitution¹; but almost all were the outcome of the growing dislike of the American people to certain somewhat Draconian demands which were embodied in the Peace Treaty in its fuller form.

With the return of Wilson to Paris the critical period of the peace negotiations began. The differences that arose between the American President and Clemenceau and Orlando rendered the situation so acute that at one time they came near breaking up the Peace Conference altogether.

On April 3, when France showed herself inflexible in her determination to obtain such drastic guarantees against fresh aggression on the part of Germany as amounted to the poli-

1. "The American people has declared itself against a "super-government" in which a Council or an Assembly of Powers would have the right to regulate the course of events." *Message of President Harding*, Dec. 8, 1922.

tical extinction of that country, President Wilson, physically and mentally exhausted, was attacked with influenza². Until April 7 the situation remained extremely grave both for Europe and for the whole world, and a new war, with its incalculable consequences, seemed imminent. President Wilson's decision to leave the Conference and return to the United States³ revealed in a new light the great burden of responsibility which weighed upon the makers of the Treaty.

In regard to the negotiations on the Saar Basin, however, Wilson and Clemenceau entered upon a policy of concessions and agreements which from April 8 onwards rapidly removed the difficulties connected with the military control of Germany, the occupation of the Rhineland and the amount of the reparations, pensions and indemnities arising out of the war.

On his return to Paris on March 15 Wilson

2. David LAWRENCE, in his biography of the President entitled *The True Story of President Wilson*, London, 1924, describes Wilson's physical breakdown at this critical time (Chapter XVI, p. 280-282).

3. As regards the telegram sent to the United States ordering the *George Washington*, in which Wilson was to return, to come to Brest, see the remarkable book by Ray Stannard BAKER : *Woodrow Wilson and World Settlement*, vol. II, Chap. XXVII, p. 42 et seq.

resumed his post as Chairman of the League of Nations Commission.

The Commission engaged on the preparation of the Covenant gave the following account of the resumption of work : "The Draft Covenant of February 14 was made public with a view to stimulating discussion of the subject. The publication was followed by a number of useful comments. Various additional suggestions were also made by the representatives of 13 neutral States who were received by a Sub-Committee on March 20 and 21."

It is true that in a speech delivered on March 11, 1919, at the Conference of Inter-Allied League of Nations Societies, held in London, Léon Bourgeois said : "This draft Covenant (February 14, 1919) was never intended by its authors to be regarded as final. It was publicly submitted to the Peace Conference in plenary session so that not only the views of the Governments but public opinion also should be heard."

It was really, however, as we have seen, domestic political interests in the United States that led President Wilson to introduce in the draft Covenant, after its approval by the

Peace Conference, the so-called "American amendments".

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On March 20 and 21 the League of Nations Commission, consisting of Lord Robert Cecil, Colonel House, Léon Bourgeois, Paul Hymans, Vesnitch and Venizelos, with Lord Robert in the chair, heard the representatives of thirteen neutral States, namely, the Argentine, Chile, Colombia, Denmark, Holland, Norway, Paraguay, Persia, Salvador, Spain, Sweden, Switzerland and Venezuela.

The British delegate, in his opening speech, said that the meeting was not of an official character, but that what the Allies desired was to create a League of Nations and not a League of Allies. The Commission therefore considered the assistance of neutrals necessary. He stated in conclusion that the general lines of the Covenant had already been laid down and that accordingly they would not discuss matters of principle but only amendments of detail¹.

1. P. MUNCH : *The Neutral States and the Covenant of the League of Nations ; Origins and Work of the League*, Copenhagen, 1923, vol. I, p. 163.

The parties thus summoned "to hear but not to criticise" may have smiled at these words; but they could do nothing in face of the peremptory tone adopted by the British delegate¹ in closing the discussion and regarding the very subjects put forward for discussion in such singular terms as already accepted.

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President Wilson secured the adoption of the American amendments to the Covenant. On the 26th the Drafting Committee completed its

1. PROFESSOR LAPRADELLE, in his course of lectures on the *League of Nations* (1924-1925), p. 164, gives the following account of this singular method of discussing the draft Covenant in the Hotel Crillon : "Lord Robert Cecil, presiding in the absence of President Wilson, stated that it was intended to create not a League of Allies but a League of Nations. He proposed that the draft should be examined article by article, every representative being free to make any observations he desired. Nevertheless, as M. Léon Bourgeois piquantly remarked shortly afterwards during the meeting : "None of the members of the Commission but Lord Robert Cecil was allowed to take part in the discussion!" M. Venizelos made a detailed statement to the neutrals and then asked leave to speak in order to make a suggestion. Lord Robert, from the chair, replied : "No". The Greek representative asked if he could make an observation, but the Chairman again answered "No". Whereupon Léon Bourgeois remarked : "Here we are only allowed to have ears. We can only listen."

work without either accepting or rejecting the “major amendments put forward by Japan regarding racial equality and by France regarding the control of armaments.

On April 28, in plenary session, the Peace Conference finally adopted the Covenant of the League, and decided to incorporate it in the Treaty of Peace as Part I.

At the same meeting President Wilson proposed that Belgium, Brazil, Greece and Spain should be given seats on the First Council, on the same footing as the “permanent” members.

So the Covenant of the League of Nations was placed at the beginning of all the international treaties drawn up and signed in consequence of the Great War of 1914-1918. They were the following : Treaty of Versailles, with Germany, June 28, 1919; Treaty of Saint-Germain-en-Laye, with Austria, September 10, 1919; Treaty of Neuilly-sur-Seine, with Bulgaria, November 27, 1919; Treaty of Trianon, with Hungary, June 4, 1920; Treaty of Sèvres, with Turkey, August 10, 1920.

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When the negotiations for the Armistice began, all the warring nations had accepted the idea of a peace based on the American program, as crystallised in Wilson's speech of January 8, 1918, and his subsequent speeches and statements.

The President and the other members of the American Delegation to the Peace Conference arrived in Paris on December 14, 1918.

Even when in Europe, amid the whirl of festivities and the unprecedented welcome accorded to him, Wilson did not omit, in his speech at Manchester on December 30, to press the claims of the new diplomacy, which he was wont to contrast with the bankrupt policy of the Holy Alliance.

"You know", he said, "that heretofore the world has been governed, or at any rate an attempt has been made to govern it, by partnerships of interest, and they have broken down. Interest does not bind men together;

Speech delivered at Manchester on December 30, 1918, quoted by Baker, *op. cit.*, vol. I, p. 182.

interest separates men. From the moment there is the slightest departure from the nice adjustment of interests, then jealousies begin to spring up. There is only one thing that can bind people together, and that is common devotion to right. Ever since the history of liberty began men have talked about their rights, and it has taken several hundreds of years to make them perceive that the principal part of right is duty, and that unless a man performs his full duty he is entitled to no right."

This passage in his Manchester speech admirably epitomises the American standpoint. The victors, in the flush of victory gained by arms alone, must not think that they had merely to see that their rights were assured by the Peace Treaty. There are no rights without duties, and the victors must begin by setting their own house in order; they must not violate the rights of the vanquished, whatever they may be, in order to extend their own beyond the bounds of justice.

When the Preliminary Peace Conference was inaugurated, the atmosphere of European politics was highly unfavourable to any suggestion of disinterestedness based on a high

standard of international morality. The Conference of January 12 itself opened with an Inter-Allied Council of War. Then, when the time came, it was decided to continue the session without the soldiers, and the generals withdrew, leaving behind them the heads of the Governments of the United States, Great Britain, France and Italy. But this symbolical transition was much easier to accomplish in the salons of the Quai d'Orsay than in the vast political amphitheatre of Europe.

The Armistice had considerably extended the powers of the military leaders, who now boldly exercised authority in the occupied territories and in countries which had been dismembered, reconstituted or restored. The opportunities afforded by the renewals of the Armistice were utilised to put forward, in anticipation of the Peace Treaty, new clauses and fresh claims in furtherance of the interests of the various allied countries, and these latter were thus already realising, by force of arms, aims and ambitions which had not been revealed, even in a whisper, at the Peace Conference itself. The vast bulk of Germany, fallen but not wholly beaten, created fantastic terrors which were

intensified by the Bolshevik catastrophe. And on the other hand, in every corner of Europe there were new or newly-restored countries, trembling still and uncertain of their existence, still dazed, rash with the rashness of inexperience, but full of inordinate ambitions and brazenly clamouring to be assured of a share in the spoils of the vanquished. The most impatient of them started to help themselves, and at the very time when the plenipotentiaries of peace were meeting in Paris, no fewer than fourteen wars were being waged in Europe and Asia. French generals were promoting a revolution in the Rhineland; a British general was organising a reactionary government in Red Russia; Italian officers were working their will on the Adriatic coasts; and an American colonel, even, was leading the Czechs to the Teschen mining area. The turmoil of Eastern Europe was a standing temptation to the military element, who could not bear to stand by and see their sharp drastic methods superseded by the slow decisions, the tardy procedure, the wordy policies of parliaments and civil governments.

The restiveness of even the most reputable

military leaders led to conflicts in the various cabinets, inflamed public opinion and produced an atmosphere of doubt, dismay and mistrust.

In this period of transition from war to a prospect of peace the public mind of Europe presented a singular spectacle. Horrorstruck at the sufferings, the tortures, the anguish of the war, it longed at any price to see them banished for ever. Yet in its very anxiety to prevent the recurrence of these horrors, it multiplied its claims upon the defeated foe; it devised schemes that amounted to the virtual annihilation and total destruction, in some unforeseeable future, of great nations which, beaten though they were, still were strong, at any rate in their standard of civilisation and their ethnical, cultural, historical, economic and patriotic unity. Such drastic means of attaining a "peace based on reason" seemed calculated rather to drive the losers, in sheer despair, to defend themselves to the last ditch.

President Wilson put up a strenuous fight against this distorted mental outlook, which so gravely imperilled the still embryonic peace of the world. The two million trained and armed men whom America was still maintaining

in Europe were not employed in any military adventures either in Poland or elsewhere. When Baron Sonnino defended the raids carried out by Italian officers in the Adriatic, Wilson replied in the following words : —“ Military men, with their technical, strategic and economic arguments, were responsible for the Treaty of 1815. Similarly, military men have been responsible for Alsace-Lorraine. It has been military men who have led Europe from one blunder to another. We are now engaged in setting up an international association... If this does not suffice, then two orders will exist—the old and the new... The people of the United States will repudiate (the old order). They are disgusted with it. And not only the American people but the people of the whole world are tired of the old system and will not put up with governments that support it ¹. ”

Wilson, opposing the predominance of the military over the civil governments, denounced the Rhineland conspiracy and stood out against a proposed expedition into Communist Russia;

1. Ray Stannard BAKER, *op. cit.*, vol. I, p. 169.

nevertheless he made large concessions to meet the political situations existing in the different countries of the world.

At the meeting of January 12 the rules of procedure for the Peace negotiations were brought up for discussion. Wilson, having in mind the great project of the League of Nations, hesitated to adopt the radical proposals of France and England that only those nations who had actually won the war should help to build up the peace. He "was in favour of holding informal conversations amongst the Great Powers, but believed that they must have an organisation of all the nations, otherwise they would run the risk of having a small number of nations regulate the affairs of the world, and other nations might not be satisfied." Clemenceau at once replied: "Am I to understand from the statement of President Wilson that there can be no question, however important it may be for France, England, Italy or America, upon which the representative of Honduras or Cuba shall not be called upon to express his opinion? I have hitherto always been of the opinion that it was agreed that the five great Powers should reach their decisions

upon important questions before entering the halls of the Congress to negotiate peace. If a new war should take place, Germany would not throw all her forces upon Cuba or upon Honduras, but upon France; it would always be upon France¹."

In point of fact, England, France, the United States and Italy had twelve million men still mobilised on the battlefield, safeguarding the Armistice which enabled the peace negotiations to take place. Moreover, it was upon these nations that almost all the brunt of the fighting had fallen; they spoke for seven and a half million dead and some twenty million wounded, and this quite apart from the money that had been lavished, the ruins and depredations of all kinds, the material and moral loss which made up the enormous balance-sheet of the war. At bottom there was no divergency in Wilson's view that the leaders in the war should share responsibility for the organisation of peace. Wilson stated that he fully believed in "the reality of the power of great States", and added, "Where the great

1. Secret Minutes of the Conference, Jan. 10, 11, 12, cited by Ray Stannard BAKER, *op. cit.*, vol. I, p. 183 and 179.

force lies there must be the sanction of peace¹."

This acceptance meant that the decisions of the four peace dictators would have to be kept secret². Yet the preparation of the treaty involved the organisation of the League of Nations. The dictatorship of the great Powers would apply not only to the articles, terms and clauses relating to war and to the treaty which was to establish peace, but also to the future instrument of permanent peace itself.

1. Minutes of the 7th Session, cited by BAKER, *op. cit.*, vol. I, p. 190.

2. The Committee of the "Big Four" consisted of President Wilson and the Prime Ministers, Clemenceau, France; Lloyd George, England; and Orlando, Italy.

It is curious to note that Wilson and Lloyd George, who both had but an imperfect knowledge of French, always expressed themselves in English, whereas Orlando did not understand English. LANSING : *The Big Four*, 1922, p. 61.

It is really a most remarkable fact that the Big Four could not understand each other directly. It repeatedly led to scenes such as those described by Keynes, who was an eye-witness : "Not infrequently, Lloyd George, after delivering a speech in English, would, during the period of its interpretation into French, cross the hearthrug to the President to reinforce his case by some *ad hominem* argument in private conversation or to sound the ground for a compromise,—and this would sometimes be the signal for a general upheaval and disorder. The President's advisers would press round him, a moment later the British experts would dribble across to learn the result or see that all was well, and next the French would be there, a little suspicious lest the others were arranging something behind them, until all the room were on their feet and conversation was general in both languages." John Maynard KEYNES : *The Economic Consequences of the Peace*, London, Macmillan & Co, 1924, p. 28.

It would introduce the fundamentally political principle of the responsibilities of the Powers for the character of the League, which was to be founded under the ægis of the new idea.

At the second plenary meeting of the Peace Conference (January 25, 1919) the Commission to organise the League of Nations scheme was formed. This Commission comprised 10 representatives for France, the United States, Italy, Great Britain and Japan and five for the other 22 countries taking part in the Conference. These latter, which were already being termed the "Powers of limited interest", in contrast to the five "principal Allied and Associated Powers", renewed their protests against this extremely disproportionate representation, which would place the 27 nations of the League at the mercy of five of their number. But M. Clemenceau made the following statement:—The five Great Powers whom you have called upon to justify their action are quite ready to do so. As the British Prime Minister himself has just said, on the day when hostilities ceased the Allies had twelve million combatants in the field. That.

is one justification. We have our dead; we have our wounded; they are numbered by millions. And but for this great question of the League we should probably have consulted our own views to the exclusion of all others. We had the right to do so, but we did not use that right; we called together all the nations concerned. We called them not to impose our will upon them, not to force them to act against their own desires, but to ask them for loyal co-operation. That is why you have been invited to come to this meeting. But it has still to be decided in what way you are to afford the co-operation we ask of you."

The Treaty of Peace, then, was to be made and approved by the United States, Great Britain, France and Italy, and the Covenant of the League was to be embodied in it.

The Netherlands representative, M. Loder, afterwards President of the Permanent Court of International Justice, observed that any collaboration by the neutrals was fruitless in view of the unyielding attitude of Lord Robert Cecil, who, as President of the League of Nations Commission in Wilson's absence, answered every observation with the unchanging formula : "It

is useless to press the matter further; it has already been considered."

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The statesmen at Paris were divided into two schools of thought in regard to the organisation of the League of Nations. Some were of opinion that the Covenant should be political and diplomatic in character, that there should be an international agreement to employ armed force or resort to an international boycott to enforce respect for the general principles underlying the maintenance of peace. Others wished the League to be placed on a juridical basis, its principal organ to be a international tribunal of justice, empowered to deal with all disputes likely to lead to war. This party relied for the pacification of disputes on the fact that the slowness of the procedure would have a calming effect on the governments and would lead them to reflect, while at the same time it would enlighten world opinion, the moral influence of which would make itself felt in the disputing countries.

The Commission appointed to draw up the Covenant, however, made short work of such doctrinaire discussion. The Commission itself was appointed primarily at the instance of countries possessing great international prestige, countries which had just won the war. And since the builders of the League wished to give it a political structure they could not deprive it of the political force and authority which the Great Powers could lend it. Wilson's words : "Where the great force lies there must be the sanction of peace" are peculiarly apposite here.

Shortly afterwards, in May 1919, a writer in the review *La Paix par le Droit*¹ frankly stated : "The League of Nations was created by the Peace Treaty, but not on a *juridical* basis ; its basis is *political*."

"That was not Taft's idea of a League of Nations, nor Bryan's, nor Léon Bourgeois, nor Frédéric Passy's.

"At the Hague an attempt was made to place all States on a footing of equality. If Guatemala or Honduras wished to defend a right,

1. *La paix par le droit*, No. 5 and 6, May-June, 1919, pp. 233-235 and 235.

and proved their case, they could carry the day against the British lion or the Russian bear or the Prussian eagle.

“But to-day State equality and State sovereignty have been relegated to the background. We have no choice but to accept a political *veredictum*.”

The political conception of the League of Nations was also confirmed unmistakably on various occasions during the proceedings of the Committee on the Composition of the Council (May 7-10, 1926).

At the first session, M. Scialoja, Italian representative on the Council, made the following statement:—“The distinction, in the Council itself, between permanent and non-permanent members seemed at first sight to be a privilege which certain States had awarded to themselves. Nevertheless, the situation of the League at the time of its formation should not be forgotten—a situation which, in M. Scialoja’s view, still existed and would probably continue to exist for a long time. The League ought not to be, and could not be, a super-State. That would be an anachronism to-day. None of the States associated in the League could accept a

sovereign power which would be superior to its own. These States had formed an association, on a footing of equality, solely in order to achieve universal aims.

“To achieve these aims it had been suggested that it was necessary to set up a central force, and M. Léon Bourgeois, whose death was so much regretted, had pressed this suggestion very strongly at the time when the matter had been discussed in the Hotel Crillon. Such a measure, however, had been impractical, for such a central force, placed at the disposal of the Council or the Assembly, would have given the League the character of a super-State.

“It had been necessary, however, in order to meet any emergency, to make provision for some sort of a force which would be large enough to impose a common will. It had been thought, therefore, that certain States, because of their size and constitution, might furnish this force, and the States in question had been given a permanent seat on the Council. The considerations which he had just put forward showed that these States formed the skeleton, if he might so put it, of the League, while the other members formed its body. From this it was

apparent that, to diminish the strength of the Council, the skeleton of the League, would be to diminish the strength of the League.” (Report on the Work of the First Session of the Committee on the Composition of the Council, p. 11.)

Shortly afterwards M. Paul-Bencour, the French representative, spoke as follows:—“It was necessary that, at critical moments, as a consequence of unanimous decisions of the Council, those States which had at their disposal the necessary forces to ensure respect for the decisions of the League of Nations and to come to the assistance of a State which was attacked should, of right, be Members of the Council and should take part in its decisions (*op cit.*, p. 15).

At the meeting of May 14, Viscount Cecil¹ made the following statement:—“He was... driven to the conclusion... that there seemed to be no alternative except to maintain the principle on which the present permanent Members were undoubtedly created, namely :

1. Viscount Cecil is Lord Robert Cecil who has been for a long time the British representative at Geneva and whose action in favour of the League of Nations is continued at present in England.

the principle that the permanent seats should be confined to the so-called great Powers (*op. cit.*, p. 76).

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In the vast battlefield of Europe many of the embers of war were still smouldering. The countries which had won the war and were making the peace could not decline all responsibility to the world. They alone, the principal actors in the drama, could say how they proposed to act in order to prevent any future recurrence of the catastrophe. After the war and the victory of countries which had mobilised millions of men and numbered their dead and wounded in millions too, was it conceivable that a few small countries, without responsibilities, without duties and therefore without rights, should come forward and say to the world, "Henceforward these are to be the rules of peace."

The Covenant of the League, then, was made fundamentally political in character. The Great Powers are always to figure in the

permanent control of the League since they have the necessary authority to assume responsibility for the maintenance of world peace.

In a letter¹ to Colonel House, a copy of which was sent to Mr. Lloyd George, M. Clemenceau, referring to the proposal to summon the First Assembly of the League of Nations in November 1919 at Washington, in order to enable President Wilson to preside over it in person, recommended "that the education of the peoples should be taken in hand, since it would have to provide the necessary condition and guarantee that the requisite results would be obtained", and he frankly asks whether "it would not be highly desirable for those who are members of the League as of right to exchange ideas as to the general lines to be adopted in the action contemplated."

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Every country could, of course, claim a permanent seat on the Council of the League, but

1. Letter from Georges Clemenceau to Colonel House, September 4, 1919.

any such claimant must have reached a standard of civilisation, of political and juridical culture, of economic wealth, of military capacity—a very different thing from military strength—such as would ensure them in international relations the prestige of a “Great Power”. But the countries which have so attained the rank of “Great Powers” must never forget that this position, before granting them rights, imposes upon them duties.

These duties sometimes lead them to a tragic destiny. In entering the war, England, and later the United States, were clearly following the path of duty and the path of honour, which is also the path of sacrifice.

That the organisation of the League has remained political in character no one to-day will deny. When the Argentine Republic claimed that all the nations represented on the League Council were equal, it still admitted that this principle must always be subject to a political corrective, namely that the Great Powers must always be represented there. For that very reason the Covenant is a convention freely entered into by the nation; it imposes no definitive obligations on the parties to it.

Reduced to its ultimate terms, the League is the material outcome of a phenomenon which emerges clearly at the present stage in world history—the clashes and the reconciliation of the rights and duties of the Great Powers which are Members of the League Council.

CHAPTER III

Brazil and the Political Conception of the League of Nations.

After its second meeting, the Peace Conference appointed a Commission to draw up the Covenant of the League. This Commission included ten *de jure* representatives of the five great Powers that had just won the war. The Allied countries with "limited interests" were invited to appoint five delegates between them to complete the Commission. On January 27 Brazil, Belgium, China, Portugal and Serbia were chosen. From this time Brazil was admitted to the hall of the Hotel Crillon, where the bases of the League were being laid, the general lines of the Covenant mapped out and its field of competence defined. Our representative on this Commission was the delegate to the Peace Conference himself, who shortly afterwards became a candidate at the Presidential election in Brazil.

Thus we had our representative, with plenary powers, at the meetings in the Hotel Crillon. The American Secretary of State, Robert Lansing, in his book, *The Peace Negotiations*,

points out that President Wilson formed the five victorious great Powers into a group, thereby ensuring their oligarchical rule and sacrificing the principle of the equality of nations. "In his eagerness to make the world safe for democracy", says Lansing, "he abandoned international democracy and became the advocate of international autocracy¹."

The accredited representative of Brazil fully accepted this situation, which, moreover, was in keeping with a *de facto* state of affairs that not even the most hardened idealist could ignore. The Brazilian delegates had their share in the drawing up of the Covenant, and a number of their suggestions were actually adopted by the Commission. On April 28, President Wilson, unanimously supported by the plenary Peace Conference, proposed that Brazil, with Spain, Belgium and Greece, should be appointed to one of the four elective seats on the League Council, which was then definitely constituted.

From that time Brazil, fully alive to the spirit in which the League had been organised,

1. Robert LANSING : *The Peace Negotiations*, Houghton Mifflin Co, Boston and New York, 1921, p. 189.

and being indeed one of its earnest supporters, accepted as a recognised fact the political conception which had given birth to the League, and with it the inevitable predominance of the great Powers on the League's governing organs. The path leading to a permanent international organ of justice, with compulsory powers transcending all previous ideas of sovereignty, was looked upon as affording the only hope of rescue from the grim realities of the post-war period.

While the Commission was still working at the Hotel Crillon, one of the Danish representatives, at the meeting with the neutrals, put forward various pleas in favour of a more liberal system of representation for the smaller countries on the Council of the League, without prejudice to the permanent representation of the great Powers. Brazil stood by the official scheme, which was eventually accepted. In 1920 M. Alvear, the Argentine representative at the First Assembly of the League, urged the principle of equality of nationhood in the organisation of the Council, and proposed that all the seats should be filled by annual election. While fully admitting that it was of vital

importance that the five Great Powers should be represented on the Council, M. Alvear suggested in so many words that they should be perennually re-elected¹. Herein he revealed the purely theoretical character of his proposal, and Brazil not only opposed the Argentine plan, which postulated that as far as the composition of the Council was concerned all nations had equal rights, but even made private efforts to dissuade Chile from supporting the Argentine proposal and so stamping it as definitely American and intrinsically democratic, as opposed to the oligarchical proposals of the great European Powers².

Brazil, fully imbued with the spirit of the League, rendered that institution sterling political services by this friendly act of intervention with other American countries in an endeavour to bring them to a more favour-

1. "The Council shall consist of nine Members, elected by the Assembly for a period of four years. At each renewal of the membership of the Council, five Members only may be re-elected; the others shall be elected on a system of rotation in such a manner that all the States Members of the League shall ultimately obtain representation on the Council." *Records of the First Assembly*, Geneva, 1920; *Minutes of the First Committee*, p. 19.

2. *Confidential Memorandum* from the Brazilian Government to the Governments of the States Members of the League of Nations, July 1925, Geneva, 1926, p. 17.

able attitude towards the higher interests of the League¹.

From 1920 to 1925 Brazil was re-elected to the Council every year, so that she had been a member of it since its inception. But at every re-election the organisation of the Council, which was undoubtedly of importance in more than one respect, led to conflicting opinions and policies arising out of opposing interests and the abandonment of previously-held principles. Thus there developed that unhealthy condition described by M. Briand so recently as 1926 as the League's "growing pains". In point of fact, the original number of States Members—thirty-two in 1920—had become fifty-five by 1926. In pursuance of the Locarno agreements, Germany claimed her permanent seat as a great Power, and when the time came for her to enter the Council, Poland put forward a parallel claim, based on political considerations which affected the whole civilised world.

The number of non-permanent (elective)

1. In particular, Brazil approached Ecuador with a view to inducing her to ratify the Treaty of Versailles, and also Costa Rica to prevent her withdrawal from the League. (Cp. *Confidential Memorandum*, p. 17.)

seats on the Council had already been raised from four to six. The American continent, which previously had had only one elective representative on the Council, now had two. It was a principle indissolubly linked with the permanent representation of the great Powers on the Council that they should be in a majority there. The irremediable absence of the United States upset the proportion which had been established between permanent and non-permanent members, *viz.* 5 to 4. The additions to the number of elective seats increased this disproportion and made the composition of the Council still more democratic. Brazil, pointing out the drawbacks to this increasingly anomalous situation, urged that the permanent members should be increased too. Such a step would strengthen the oligarchy of the great Powers and would thereby be fulfilling the original political conception of the League.

The heart of the difficulty, however, lay in two circumstances which were profoundly human and therefore very intelligible namely, the ambition and *amour-propre* of the governments and delegates of the countries repre-

sented on the Council, who were loath to give up their coveted position; and the growing difficulty of securing re-election owing to the general greed for office and the increasing number of candidatures. Those who were in tried to stay in and the others tried to get in. Owing to the rigid structure of the Council there was little scope for the usual unofficial in their favour stronger moral and even in their favour a stronger moral and even political claims; those striving to storm the citadel had on their side determination, numbers and driving force, or at the very least a sense of irresponsibility due to the absence of commitments of any kind or of any position to defend. There could be no disgrace in failing to win a claim that would in any case be made good in more than one point; but there would be very real humiliation in having to give up a position for lack of support in so great an international body as the League. Difficulties, intricate problems such as these were inherent in the League's organisation. Even in 1919, when the Peace Conference appointed the first four temporary members of the Council, Portugal had protested against the inclusion of a neutral,

Spain, and refused to admit that she was as yet entitled to a seat.

In 1921 a Belgian delegate, M. Rollin, put the problem in plain terms to the First Committee of the Assembly. He spoke as follows¹: —“There were at the moment on the Council four non-permanent Members who were eligible for re-election. If events were left to take their course, some of these members might be re-elected and some might not. If one of these candidates was not re-elected it might be a very serious matter that he should cease to be a Member of the Council without any evident reason to justify his non-election. Public opinion in his country might attribute his non-election to some special hostility, and explain it by political considerations, whereas his non-election might merely have arisen in the regular course of events.”

Brazil was kept year by year in the precarious position of a petitioner. Chosen by the Peace Conference in 1919, she kept her seat as the sole representative of her continent until the Assembly, yielding to the pressure brought

1. League of Nations : *Records of the Second Assembly ; minutes of the First Committee*, Geneva, 1921, vol. I, p. 34.

to bear through the ambitions of the other American republics, decided to increase the number of elective seats and reserved two of them for the New World.

Before this increase of the non-permanent seats in 1922, the first delegate of Chile, M. Agustin Edwards, made a proposal—in an interview with the Paris *Temps*²; he afterwards repeated it at the meetings of the First Committee on September 21 and October 3, 1921, and again, two years later, at the meeting on September 25, 1923¹ (also of the First Committee) which was to solve the problem of the composition of the Council as far as the American countries were concerned. Nowhere in these proposals, however, was there any reference to Brazil's qualifications for a permanent seat. What the Chilian delegate urged on every occasion was a wider representation for America, and in his speech of September 25, 1923, he did not so much as mention Brazil.

At the time of M. Edwards' interview with the *Temps* (1921) the Council consisted of four

2. *Le Temps*, Paris, Sept. 19, 1921.

1. *Records of the Fourth Assembly : Minutes of the First Committee*, Geneva, 1925, p. 37.

de jure and four elective members. He suggested that Spain and Brazil should become permanent members, so that another American country could occupy the elective seat vacated by Brazil. America would thus get two representatives on the Council, not counting Spain, whose moral influence on the continent she had colonised gave her a position *sui generis* between Europe and the Spanish-American republics. In 1923, however, the Council had already been increased by two elective seats reserved for the American democracies when M. Edwards repeated his suggestion that Brazil should have her seat made permanent, thus leaving two seats to be held by the other South American States in rotation. This proposal was plainly based on the assumption that Brazil, like Spain, could always be re-elected, in view of the special position these two countries held through their close association with the League from the beginning. The Chilean delegate readily accepted a position which he regarded as unalterable, and tried to get the best terms he could for the young American democracies, which could thus look forward to eventual election to one of the two

Council seats reserved for them. Later, as we shall see, the representatives of Brazil, and the Brazilian Government itself, claimed that the Chilian delegate had by this proposal recognised the Brazilian claim to a permanent seat, whereas Chile's real intention was that the elective American seats should not be occupied by members who in all likelihood would always be re-elected; otherwise the system of rotation necessary in the interests of the majority would not work properly.

In 1925 the American nations launched a direct attack on the privileged position of Brazil. At the preliminary meeting which they always hold to choose their candidates for the annual election to the Council they demanded that the two seats reserved for the American countries should actually be occupied by all those countries in turn. Brazil found it difficult to defend her position, and was obliged, in order to be sure of re-election once more, to agree not to press her claims for candidature in the following year (1926)¹.

1. This compromise was reached at a private meeting of the South American States.

In the plenary meeting at which the non-permanent members were elected (September 26, 1925), M. Zumeta, delegate of Vene-

It is clearly in the League's interest that the members of the Council representing America should be the most authoritative States of that continent. Brazil is beyond doubt one of those best qualified, according to the political conception of the League, to figure on the Council. But the other American countries, particularly the smaller ones, did not look at the question of the representation of their continent from the political and diplomatic standpoint of Geneva. They simply regarded it as affording a chance to satisfy the vanity or further the private interests of governments or of the parties which happened to be in power. So long as the question at issue was to obtain more seats on the Council

zuela, said that the *statu quo* could not be continued as regards the election of the non-permanent members, and proposed the resolution set forth below, which was unanimously adopted by the Sixth Assembly, including Brazil, whose representative had agreed that his country would not offer herself as a candidate in 1926. Yet when 1926 came we find the Brazilian Government boldly claiming not only a seat on the Council, but a permanent seat, so as to be free from the risks of an election.

The resolution adopted by the Sixth Assembly was as follows :
" The Assembly, noting that the non-permanent members of the Council at present in office have been re-elected for a year, considers the meaning of this re-election to be that it is subject to the non-permanent part of the Council being renewed as from the election of 1926 by application of the principle of rotation." *Records of the Sixth Assembly, Plenary Meetings, Geneva, 1925, p. 160.*

—in other words, to secure fresh opportunities of satisfying ambition—they ardently discussed the great aggregate value of Americanism, its democratic principles and continental doctrines. It seemed as if the one concern of these new lands was to defend their own ideals of peace and freedom and preach their gospel in the halls of Europe. But when it came to dividing the spoils of the campaign, it mattered little to them that the seats representing the American continent should go to, say, Honduras or Ecuador, when that continent included such countries as Brazil, the Argentine, Uruguay, Peru and Bolivia, not to mention Chile, who was now sure of a seat on the Council.

From the continental point of view it is hard to see how the presence of Salvador or Nicaragua or the Dominican Republic can add to the prestige of America on the League Council. The clamorous self-interest recently displayed at the elections of 1926 hardly seems calculated to strengthen the authority of that continent at Geneva.

In truth, the purely political conception of the League is unaffected by all these circumstances, which really lie outside its field. One

part of the civilisation, political culture and sentiment of America is represented in the "Society of Nations" (in the strict sense of the term) by a great country which is actually an absentee from the League. Of the other part—the civilisation, political culture and sentiment of Latin America—Brazil, the Argentine and Chile alone are capable of representing these before the rest of the world. It matters little what American States, large or small, are members of the League and which are not, or which are elected or not elected to the Council; in any case the United States in the north, and Brazil, the Argentine and Chile in the south, can alone claim to speak to the other nations of the world in the name of America.

This hard and unavoidable fact, transcending, as facts do, any mere theories, is the main consideration governing the duties which these countries owe to international society in return for their rights; and these rights in their turn are determined by factors such as the size of the national territory, the population of the country, its economic wealth, financial position, foreign trade, standards of civilisation, national culture, intellectual pro-

gress, standards of political life, its ideal of freedom, its laws and the degree to which justice is assured. Undoubtedly, in its anxiety to respect their sovereignty, the League has failed to take the domestic situation of its several members into account in weighing their qualifications for influential positions in its organisation. Hence the scandalous case of the election of China to a seat on the Council at a time when, amid the obscure welter of internecine warfare waged by the various military chiefs, no one knows where the real government of that country is to be found. But if the League has been over-anxious to avoid an examination of the internal political situation of the countries offering themselves as candidates for its elective seats, world opinion is beginning to be equally anxious as to what is happening in countries which are being ruled by force; it is felt that the achievements of civilisation cannot be left to perish. Brazil has not, of course, fallen to the level of Turkey with her "Independant Tribunal"; but the last four years of her political life may be regarded as a period of moral retrogression almost without parallel in any other country having

the same liberal institutions and the same standard of moral and material advancement. From all quarters of the world sharp criticisms have been levelled against the methods by which she has been governed in these last four years. We have before us a labour publication from Montreal¹, which comments severely on the unprincipled espionage, corruption and violation of postal secrecy of which Brazil has been guilty.

It is a common experience that the incompetence of a government engenders political insecurity, with far-reaching effects in the international field. We must remember that the prestige of a State at Geneva depends mainly on the political weight it carries. The international organisation of the League is pre-eminently political, and is based on the power of the member States. And this power itself is the product of a number of factors,—military power, whether rapidly mobilisable or latent; economic and financial resources; industrial reserves; the weight of public opinion; the legal system in force; the stability of the Government. The term “Great Power” is no mere

1. *Le Monde Ouvrier*, Montreal, May, 1, 1926.

fictitious rank conferred upon a State by its political associates in the international field. It is not open to all to be a great Power; only those can be so who pass the stringent test entitling them to take this rank among the nations. The "Great Powers" have rights, indeed, but rights which are neither arbitrary nor unrestrained. They are the rights derived from their obligations, and above all from their moral obligations, the firstfruits of maturity in the great trees which have grown up in the vast forest of world civilisation.

Brazil played a highly creditable part in the foundation and early life of the League, a part which was her due through her position in the American continent. In face of the riot of entirely unjustifiable claims put forward by the small and backward countries of America, she deemed it wiser to make her situation safe by ending the necessity for an electoral compromise. But her international claims, though just, were ill-timed, because they were advanced at a time when the home government was powerless. Prudent courses were thrown to the winds; and in the upshot our policy lost us the game. Instead of putting forward a

clear-cut diplomatic problem to solve, a modest and reasonable claim to be decided, we forced our demands through by insensate wilfulness, inconsistent yet tenacious, blind yet obstinate and unyielding.

There followed an extraordinary stroke of irony. At the very time when we broke with Geneva, thereby undoing years of productive work, impairing our prestige and leaving the League with an entirely wrong, absurd and misleading idea of the political culture of our country,—at that very time the noisy claims of the South American countries were satisfied, and that in such a way as virtually to meet the much talked, of Brazilian claim as well; for what was offered amounted to a permanent seat, since by preliminary agreement Brazil would always have been re-elected, and two more elective seats were offered to America.

Instead of accepting this clear—and unexpected — diplomatic victory, the Brazilian Government preferred the hapless course of imposing an uncompromising veto. We vetoed Germany, and to-day she has a permanent seat on the Council of the League. And by the irony of fate, on taking her seat in the Assembly

for the first time, she was placed between Belgium and Bulgaria, in the very chairs that had once been Brazil's...

CHAPTER IV

Brazil and the League Crisis of 1926.

As everyone knows, the Fifth Assembly of the League passed the remarkable resolutions embodied in the so-called "Geneva Protocol"¹. In announcing Brazil's affirmative vote, her Ambassador, in an enthusiastic speech, welcomed the new measure, which he unhesitatingly termed "a wonderful achievement"². "At a moment", he said, "when the Assembly is about to approve the loftiest, the noblest resolutions which have ever been laid before a meeting of sovereign States—these great resolutions on arbitration, security and the reduction or limitation of armaments—I am proud and happy to mount this platform to tell you once again that Brazil will loyally co-operate in every

1. The *Temps*, one of the best-informed journals on diplomatic affairs, after praising the part played by the French delegates in the framing of the Geneva Protocol, eulogises in the warmest terms the clear policy and high-minded attitude of the Brazilian delegate, the distinguished Dr. Paul Fernandes. *Le Temps*, Paris, September 19, 1924.

2. *Verbatim Records of the Fifth Assembly*, Geneva, 1924, p. 222.

endeavour to bring to the world final and lasting peace³.”

Notwithstanding the great force of international co-operation which the Protocol represented, or perhaps on that very account, the expediency and wisdom of these resolutions were afterwards, as is known, called into question, and a number of countries, including Great Britain, did not see their way to ratify them. In the following year the Sixth Assembly of the League, after noting (September 23, 1925) the small number of ratifications of the Geneva Protocol, passed the following resolution :

“Convinced that the most urgent need of the present time is the re-establishment of mutual confidence between nations...,

“The Assembly...,

“Recalling the guarantees provided in the Covenant of the League of Nations,

“Calls the attention of States Members of the League to the desirability, from the point of view of their security, of concluding particular

3. The Brazilian Government itself afterwards referred to the Geneva Protocol in no less enthusiastic terms in its *Communication to the Council and Members of the League of Nations*, Geneva, June 10, 1925. Yet it is curious that the Brazilian Congress never ratified the Protocol.

conventions for arbitration or for the judicial settlement of disputes¹.”

The Locarno negotiations of October 1925 were the direct outcome of these resolutions² of the League Assembly, and as soon as they were concluded, Sir Austen Chamberlain deposited at Geneva the Agreements with which they terminated. This event was hailed as an international act of inestimable significance. All the representatives of the Council spoke, and the Brazilian delegate expressed his participation in the general rejoicing as follows :—“I joyfully and confidently associate myself with the good wishes expressed by the Members of the Council. The whole world will be grateful to the distinguished men who have brought these negotiations to so fortunate a conclusion. Among them a special tribute should be paid to the representative of Great Britain, Sir Austen

1. *Verbatim Records of the Sixth Assembly, Plenary Meetings* ; Geneva, 1925, p. 130.

2. “There is not one of the new agreements signed at Locarno which is not inspired directly by the terms of the Covenant, the Geneva Protocol and the spirit of the League of Nations itself.” J. PRUDHOMMEAUX, Secretary-General of the *Federation française des Associations pour la Société des Nations*, and editor-in-chief of the review *La Paix par le Droit*.

Cp. *La France et la Pologne après Locarno*, by Henri DE MONTFORT and Adam DE PIASECKI, Paris, 1926.

Chamberlain, and to that great Frenchman whose absence we all regret at a moment when the Acts of Locarno are deposited in the archives of the League of Nations.

“Allow me to express the hope that the system of guarantees, which is at the basis of the Locarno agreements, may be developed little by little and bear in the near future fruit from which the whole word can benefit¹.”

Article 10 of the General Treaty between the Powers lays down that the Locarno agreements are not to come into force until Germany has become a member of the League of Nations¹. The Government of the Reich, desirous of obtaining the unanimity prescribed in the League Convention, approached all the Governments represented on the Council as to Germany's admission as a permanent member².

1. *Minutes of the Thirty-Seventh Session of the Council*, held at Geneva, Monday, December 7-Wednesday, December 16, 1925, p. 181.

1. Cp. *Locarno Agreements*, published in *Monthly Summary of the League of Nations* (Supplement), Dec. 1925.

2. “In applying for admission to the League, Germany must therefore possess the certainty that immediately upon her admission she will obtain a permanent seat on the Council. A permanent seat on the Council can only be granted by a unanimous decision of the Powers represented on that body. The German Government therefore requests the... Government to be so good as to inform it whether it would be prepared at the proper

In view of Brazil's previous attitude towards the Locarno policy there was no reason to anticipate opposition on her part. In an official document sent in July 1925 (reprinted in 1926) to the Governments of the States Members of the Council, the Brazilian Government made the following explicit statement :—"It may be taken as certain that the entry of Germany to the Council depends solely on her application for admission to the League, since all the States having a seat on the Council have sent favourable replies to the Memorandum which the German Government sent them on that subject ¹."

Brazil took part in the meeting of the Assembly which adopted the Geneva Protocol; she was represented, too, in the following year at the Assembly which, in the same spirit of international concord, recommended particular negotiations with a view to agreements for

moment to give instructions in that sense to its representative on the Council. "

(Translation furnished by the German Government.)

Memorandum from the German Government to the Members of the Council of the League of Nations, Berlin, September 29, 1924.

The Brazilian Government's reply was published in the *Diario Official*, March 27, 1926, 6736.

1. *Confidential Memorandum* sent by the Brazilian Government in July 1925 to the Governments of the States Members of the League Council, Geneva, 1926, p. 14.

arbitration, security and the limitation of armaments. She witnessed the deposit of the Treaty of Locarno with the Council of the League. She enthusiastically applauded these "wonderful achievements" for the advancement of the brotherhood of man and the promotion of universal peace. In reply to Germany's Memorandum asking for her vote to obtain a permanent seat on the Council of the League, Brazil definitely gave her assent in a manner which none, and Germany least of all, could suspect of being in any way reservatory. Nay, in her Confidential Memorandum already referred to, the Brazilian Government formally recognised that she had answered in the affirmative and that Germany merely had to send in her application in order to obtain her seat on the Council of the League.

In order to ensure her re-election in 1925, Brazil, at the preliminary meeting of the Latin-American representatives, agreed not to put forward her candidature in the following year, and at the Sixth Assembly she took part in the vote—which incidentally was unanimous—on the Venezuelan proposal that in 1926 the system of rotation should apply to the allocation of the

Council seats act apart for the American republics.

Such was the situation on the eve of the League crisis and the Brazilian *démarche* of March 1926, when the first of the Locarno provisions were to be carried into effect.

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The Armistice of November 11, 1918, brought to an end, at any rate as far as the great Powers were concerned, the hideous carnage of the War. Then followed a period of widespread financial and economic chaos¹, of violent pressure exercised by one Government on another, regardless of all principle. This period lasted from the Armistice to the German Rhineland Pact proposals which led to the Locarno treaties. Fierce hatreds, fed by the still vivid memories

1. In reply to a question in the British House of Commons, it was officially stated that the unemployment subsidies and relief granted in England during the eight years following the Armistice (Nov. 11, 1918 — Nov. 13, 1926) amounted to £337,605,000, or (reckoning the Brazilian milreis at 6d) 13,504,200 contos de reis, a sum far greater than the whole of the Brazilian budget receipts for the same period.

of the millions of dead, intensified by the widespread havoc, the immeasurable destruction wrought by the war, by the sight of the mutilated cripples of a ruthlessly sacrificed generation, created an impassable gulf between two of the greatest and noblest civilisations of the world. Vanquished Germany saw the Rhineland occupied, saw her territory cut up in the north-east to make the Danzig corridor; felt the constant menace of separatist movements fomented by her enemies bent on her destruction; had perforce to bear a burden of reparations, indemnities, payments of all descriptions, in cash and kind, such as had never been conceived possible in the history of the world. And there was France, robbed of the flower of her youth, her land destroyed, her houses razed, despoiled of her heritage, wracked by a feverish anxiety for security against future invasion. And again, England, plunged in an ocean of debt; and the other countries of Europe, a prey to social and political upheaval. The older nations, drained of their wealth; the younger, seeking in riot and revolt a solution of urgent problems of national organisation, Such are the pictures conjured up on the vast

sweeping horizon of the war, reaching away to the uttermost ends of the earth.

The policy pursued by the United States after the Peace Treaty, of firmly refusing any financial assistance to countries still dominated by the war mentality, did much to bring the nations of Europe to a sense of realities. Certain German statesmen, free from nationalistic passions and prejudices, endeavoured to find, along the path of genuine reconciliation with their late enemies, a lasting settlement for the moral and material problems that threatened their country with ruin. Erzberger, and afterwards Rathenau, paid with their lives for their attempt to evoke that international instinct of self-preservation which must ultimately triumph over any millennial dreams of a national civilisation, whether they pass under the name of *amour-propre*, patriotism, lust for vengeance, thirst for prestige, glory or domination.

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In 1920, at the 25th meeting (December 15) of the First Assembly of the League, in

connection with the proposal for the admission of Austria, M. Motta, then President of the Swiss Confederation, recommended that, when the entry of Germany was being considered, the problem should be approached in that calm, just and conciliatory spirit which must characterise the League of Nations¹.

M. Viviani, delegate of France, violently attacked this proposal².

It was not until 1924 that the question began to be viewed in its true light. Germany proposed the agreement that was to bring Europe to Locarno. The first step was thus taken, a frank and clear declaration was made which closed the great problem of the eastern frontier of France. A treaty of compulsory arbitration was concluded which indefinitely postponed any possibility of conflict. A system of guarantees between the signatory countries was established which afforded the best possible safeguard of peace. The agreement regarding Poland and the Danzig corridor did not, it is true, bring a final and lasting settlement for

1. *Records of the First Assembly, Plenary Meetings, Geneva, 1920, p. 573.*

2. *Records of the First Assembly, Plenary Meetings, Geneva, 1920, pp. 573 et seq.*

the problem of Germany's eastern frontier; but the compulsory arbitration clause and the entry of Germany into the League laid the foundations of a pacific plan which would enable the—if they may be so termed—inevitable difficulties that would arise in the future to be amicably settled.

The signing of the Locarno agreements came as a great surprise to all. It was not, perhaps, regarded as miraculous; in Europe it was generally felt that at Locarno the nations had taken their choice between a disastrous war of extermination and the abandonment of old prejudices, with a consequent prospect of renewed life and salvation.

These treaties affected not only the States but the passing generations of Europe, individual men or women over whose destinies the future lay dark. After Locarno thousands of mothers could look upon their sons without the haunting terror of death ever lurking close at hand. After Locarno, the war graves, the mounds with their crosses white and black stretching endless to the horizon, seemed at length sealed and silent for ever. For until then the pilgrims to the battlefields had never

been free from the fear that these graves would reopen and engulf the flower of the world's youth.

The Locarno agreements were no mere diplomatic episode, no mere act of international politics. In every country of the world they were greeted as heralding the dawn of international peace, as bringing renewed hope of life, prosperity and tranquillity among men. Political acts are rarely of interest except to States or Governments. But the pacts of Locarno entered into every home, into cities and fields, and aroused hope in every family circle, brought quiet of mind to the masses of mankind and enabled them to turn again to their labours confident in the advent of peace¹.

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Locarno did not solve the problem of the Germano-Polish frontier, or the question of the

1. The Nobel Prize for 1926 was awarded to Sir Austen Chamberlain, M. Briand and Herr Stresemann in recognition of their services to the world in promoting the Locarno negotiations.

While the present volume was still in the press, Monsignor Maglione, Apostolic Nuncio in Paris, speaking on January 1, 1927, at the Palace of the Elysée, as *doyen* of the Diplomatic Corps, announced the adhesion of the Holy See to the Locarno policy.

Danzig corridor; but it laid down the procedure of compulsory arbitration by which to settle this formidable difficulty, which, on the entry of Germany into the League, would be brought within the latter's sphere of action¹. And it was this circumstance that suggested to Poland to take a further political precaution, by obtaining, concurrently with her powerful neighbour, a permanent seat on the Council of the League; in this way she would be able to mount guard over her territorial integrity². Her claim was welcomed by France, and as far as could be inferred from the silence of England³ it was not summarily dismissed by

1. See speech by Count Skrzynski, Polish Prime Minister and Minister for Foreign Affairs, at the Session of February 25, 1926. *L'Europe Nouvelle*, p. 378.

2. "Thus France, England, Italy, Czechoslovakia, Belgium and Germany—six out of the seven States ratifying the Locarno agreements—will be represented on the League Council. But will the seventh, without whose goodwill Locarno certainly could never have been a success, still be unrepresented on the Council?" *La Flandre libérale*, Brussels, January 20, 1926.

"The geographical situation of Poland between Germany and Russia makes her existence for many years to come the prime factor of European peace. In these circumstances, to refuse to allow Poland to enter the Council of the League would be to sacrifice the very principle of world policy which dictated the Locarno agreements." *Czas*, Warsaw, Jan. 7, 1926.

3. Cp. The speech by Sir Austen Chamberlain in the House of Commons, February 25, 1926, from which it might be inferred that England would at any rate not refuse Poland a permanent seat on the Council.

the British Foreign Office. Germany was at once disquieted by a claim which looked like a move to gain prestige in the spirit of the old diplomacy, and one which would in any case change the composition of the Council from that arranged in the Locarno agreements. In his Hamburg speech of February 2, 1926, Dr. Luther, Chancellor of the Reich, expressed misgivings on this point, and added explicitly that when Germany entered the Council of the League it must be composed exactly as on the day when the treaties of Locarno were signed.

Sweden, which was a member of the Council, at once announced that she could not accept any proposal modifying the composition of the Council before the entry of Germany, and of Germany alone, in accordance with the spirit of the Locarno treaties¹.

In the House of Commons, on March 4, 1926, Sir Austen Chamberlain made the following statement² :—" When you come to the permanent seats in particular, any increase in their number

1. *Times*, *Daily News*, *Le Temps*, Paris, February 18, 1926.

The Temps explains in a footnote : " A unanimous decision is, of course, necessary before the composition of the Council can be changed. "

2. *Parliamentary Debates*, House of Commons, vol. 192, No. 23, 4th March, 1926, p. 1662.

must, of course, be examined with a very particular scrutiny. There is greater objection to according permanent seats than to according to any particular nation a temporary seat, which it is in the power of the Assembly to refill at whatever time it thinks it necessary to do so."

The Foreign Secretary then referred to the promise given to Spain by the Lloyd George cabinet. "The time when the (Spanish) claim should be pressed is a different question, with which I am not dealing at this moment."

Mr. Baldwin, speaking in the same debate, confirmed what Sir Austen had said, and stated definitely that apart from the promise to Spain England had given no pledge to any other country¹.

At that time it was known unofficially that, besides Poland, there were Spain, Brazil, China and Persia who were entertaining hopes

1. The Prime Minister : "I have renewed that support of Spain which was given to her under the Government of my Right Honourable Friend the Member for Carnarvon (Mr. Lloyd George). There is no condition attaching to that as to time or occasion. We have given no pledge apart from that to any country of any kind, and we are under no obligation to any country." *Parliamentary Debates*, House of Commons, vol. 192, No. 23, 4th March, 1926, p. 1695.

of permanent seats on the Council at the same time as Germany.

Our delegate accredited to the League was on holiday on the banks of the Tiber in February. Intrigue was rife among his numerous colleagues. The more impatient of them communicated direct with Rio de Janeiro.

It was at this time that the divergency began between the diplomatic action of the Brazilian representative at Geneva and the political action of his Government at Rio. If the former thought of the international situation of Brazil, the latter was concerned solely with political troubles at home, and unhesitatingly staked all its trump cards on creating an impression of power and prestige, which it was able to do owing to the news censorship set up as a result of the permanent state of siege in Brazil. In its blind obsession with home politics the Brazilian Government ignored Sweden's avowed hostility to the enlargement of the Council and England hinted that there would be no chance even of satisfying the ambitions of Spain, to which she had pledged herself.

The Brazilian Government thought that the

veto it held as a member of the Council, since it dominated the Locarno settlements, would suffice to enable Brazil to wrest the acceptance of its terms from the League, or at any rate would be sufficiently dramatic as a gesture on the world stage to hide the incompetence of the actor and strengthen its position in home politics.

It was a *communiqué* to the *Temps*¹, sent on February 23 by that journal's correspondent in Rio de Janeiro, which first revealed to Europe. Brazil's definite intention to ask for a permanent seat on the Council of the League, to be given to her simultaneously with that promised to Germany. Some days afterwards, one of the members of the Brazilian delegation also announced the Brazilian Government's intention¹.

Public opinion in Europe was astonished and indignant at this attitude. In the House of Lords² Viscount Cecil declared that such a policy of demanding under threat was contrary to the spirit of the League; and the Belgian

1. *Le Temps*, February 24, 1926.

1. *Le Temps*, Paris, February 26, 1926.

2. *Parliamentary Debates*, House of Lords, 1926, vol. 6.

Foreign Minister did not hesitate to stigmatise it as "blackmail (*chantage*)³".

Thenceforward our policy at Geneva was dictated direct by the Brazilian Government. The representative who had been responsible for the previous negotiations and had conducted them in the major interests of our country became simply a mouthpiece transmitting and interpreting the orders received from Rio. From the diplomatic point of view the game played by the Brazilian Government was irretrievably lost. Sweden openly declared herself against Brazil. The other States members of the Council, as is known, preferred to stand by the Locarno policy rather than satisfy the Brazilian claim. There remained only France, who in her politeness did not entirely ostracise us, but nevertheless adhered to the great new movement which had arisen in world politics.

On the other side, a number of members of the Assembly, including Denmark, Norway, Switzerland, Finland and Holland openly declared their solidarity with Sweden.

3. *The Times* described it as "an act of sabotage".

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Interpreting Brazil's reply to the German Memorandum of 1925, the Berlin press doubted our Government's alleged claim, and more especially its reported decision to apply the veto. A note from Rio, couched in terms which could hardly be called diplomatic, described this doubt on the part of Germany as "a ridiculous lie¹". There was unhappily no longer any doubt that the methods of "temperamental government" which had characterised the four years of Bernardes' term of office were now to be applied to international politics.

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The first days of the session of March 1926 were full of feverish diplomatic activity.

1. "The following has been received from Rio de Janeiro :—The Minister for Foreign Affairs has just published a communiqué stating that Brazil has no intention of renouncing her claim to a permanent seat on the Council of the League of Nations. The report circulated in Berlin on this subject, says the communiqué, is a ridiculous lie. On the contrary, there is every indication that our prospect of obtaining a seat on the Council has never been brighter than it is now." *Le Temps*, March 16, 1926.

Poland's claim was an inevitable sequel to the Locarno agreements. A provisional solution became possible through a disinterested and generous move on the part of Sweden and Czechoslovakia. On March 14 it was known for certain that one of those countries would give up its seat to Poland, who would then enter the Council in the ordinary course of procedure, one member resigning and another being elected in his stead. But on Monday, March 15, a new situation arose through the peremptory declaration by the Brazilian Government that if its demands were not met it would oppose the entry of Germany to the Council of the League¹. In the afternoon of that day, however, the settlement made possible through the generous offers of Sweden and Czechoslovakia was endangered. The countries of the Little Entente protested against the sacrifice

1. "Brazil is still uttering the threat to block the German approach to the Council unless she is herself accorded a permanent seat at once. It is difficult to say what possible advantage Brazil can hope to gain by such an act of *sabotage*, and in addition to causing great temporary harm to the League, she would irreparably damage her own position and prestige in Geneva. She would ruin her chance, still a bright one, of one day becoming a permanent Member of the Council and would probably lose even her non-permanent place at the next Assembly election." *Times*, March 16, 1926, p. 16.

of M. Benes, since they would thereby be deprived of an indispensable representative on the Council¹. On March 16 the Brazilian difficulty passed into the background, as it was found impossible to settle the Polish-German problem by the renunciation of Czechoslovakia². The adjournment of the agenda of the session from March to September was decided upon perforce. After a meeting of the Locarno signatories on the afternoon of the 16th, the Press was officially informed that the question of the enlargement of the Council and the admission of Germany had been postponed until September^{3, 4, 5, 6}. All these negotiations had pointed towards the re-organisation of the Council in the near future.

1. *Times*, March 7, 1926, p. 14.

2. On the afternoon of March 16, Maurice Muret, the well-known journalist, sent to the *Gazette de Lausanne* a communiqué containing the following :

" It would appear, moreover, that the breakdown has occurred not over the Franco-German difficulties nor over the question of the enlargement of the Council, but as the result of a chance accident which happened just when matters seemed settled."

3. *Journal de Genève*, March 17, 1926, 3rd ed. The third edition of this paper, which is regarded as the unofficial organ of the League, appears in the morning. The Assembly met at 10 a.m. some hours after the papers had appeared.

4. *Gazette de Lausanne*, morning edition, March 17, 1926.

5. *Le Journal*, Paris, March 17, 1926, 5 a.m. edition.

6. *Times*, London, March 17, 1926.

Some said that the Brazilian representative had been definitely promised the permanent seat reserved under the Covenant for the United States until such time as the latter joined the League¹. Such a proposal was, moreover, one of the solutions suggested by the Brazilian Government itself in its confidential memorandum of July 1925².

But Brazil was not to reap the harvest of her sowing. After the decision reached by the Locarno negotiators on March 16 there was no need for her to take the unfriendly step of imposing a veto which would have been useless for her immediate objective and prejudicial to the subsequent defence of her own rights. Within 24 hours the European interests

1. *Le Temps*, Paris, March 17, 1926.

2. "The American continent cannot be refused the right to be represented on the Council also by a permanent delegate, notwithstanding the fact that the United States happens to be an absentee. Nevertheless, if—and it would be flagrantly unjust—it were intended to take the unfriendly step of raising in the case of America alone objections to the addition of a permanent member to the Council, even then there is an unanswerable reply to these objections, namely that the seat reserved for the United States under Article 4 of the Covenant could still be kept ready, but could in the meantime be occupied by Brazil until the great sister Republic joins the League of Nations."

"Confidential Memorandum of July 1925 from the Brazilian Government to the States Members of the Council," Geneva, 1926, p. 22.

decided to take the line of representing the Brazilian veto as the actual, though inadvertent, cause of the breakdown of the Special Assembly¹. Then it was that we lost our last chance of negotiation. We forgot that the difficulties in the way of Poland's admission as a temporary member of the Council simultaneously with Germany's entry had not been removed. We blindly persisted in our course, and on the morning of the 17th we launched our uncompromising—and useless—veto from the platform of the Assembly,—amid the ironical smiles of the Locarno negotiators.

The breach between the policy of our representative and that of his Government now gaped wide. Rio de Janeiro was in charge of the operations. The Brazilian Government's intention was to score a victory at a single blow over the 48 nations assembled at Geneva. It counted on the veto as an effective weapon of extortion. In any case it was confident of

1. International Affairs : " March 17. As a result of Brazil's opposition, the unanimous decision of the Council of the League of Nations necessary to give Germany a seat on the Council has not been attained. In consequence the special session of the League Assembly is dispersing without having reached a decision on the admission of the Reich. " *Revue générale de Droit International Public*, May-August, 1926, p. 285.

the enthusiasm its unyielding attitude would arouse and the brilliant impression it would produce in Brazil. With this seeming diplomatic success the Brazilian Administration would for once in its four year's of office win a measure of popular applause.

But on the other hand it betrayed complete ignorance of the character of the men at the helm in Europe at that time in believing that, faced with threats, however serious, they would allow a country taking up the attitude of Brazil to retain the power to repeat the veto incident whenever it suited her interests.

The veto served the League in two ways. In the first place it enabled a precedent to be set of resistance to any rash policy of threats or pressure, whatever sacrifices had to be made to preserve the unanimity of the Council's decisions; and secondly, it cloaked the real Geneva crisis of 1926. That crisis had nothing to do with Brazil, who was simply used as a catspaw.

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Whilst Rio issued peremptory orders, her representative at Geneva tried to reason. But

the sophisticated arguments he adduced only led to fresh incidents and new difficulties. With Brazil proclaiming herself patron of American rights and interests, the representatives of the American nations met on Tuesday, March 16, and after carefully examining the situation, decided that the interest of America would be best served if there were three temporary seats at its disposal, to be allocated to all the American States in regular rotation; and they drafted a motion advising Brazil to abandon her claim¹.

I. M. CABALLERO (Paraguay), speaking on behalf of the delegations of Chile, Colombia, Cuba, Guatemala, Nicaragua, Paraguay, the Dominican Republic, Salvador, Uruguay and Venezuela, declared that the American delegations mentioned had unanimously agreed to send the following decision to the head of the Brazilian delegation :

" The American delegations present at the special session of the Assembly of the League of Nations, having exchanged their views in a spirit of the utmost cordiality and solidarity, and, having heard the information which M. Guani and M. de Mello-Franco, members of the Council, have been good enough to give them, have decided as follows :

" The American delegations, conscious of the gravity of the League's present situation, regardful of the interests of world peace, and realising how essential it is that the American States should exert their influence to bring about the reconciliation of the peoples of Europe, desire to express to His Excellency M. de Mello-Franco the hope that Brazil will take such steps as she may consider most opportune to bring about unanimity in the Council and so remove the difficulties which stand in the way of its decision. "

See *Verbatim Records of the Special Meeting of the Assembly*, March 1926, Geneva 1926, p. 29.

On March 17, at 10 a.m., the Assembly held a plenary session which, according to trustworthy eyewitnesses, was a truly great and moving spectacle. The Brazilian representative defended, but without conviction, a cause irretrievably lost through the duplicity of his home Government; he had been repudiated by the other American representatives; he was reduced to defending his Government's case by mere sophistications; and he was profoundly conscious of the grave responsibility assumed by his country in jeopardising world peace (for the postponement of the Locarno settlement constituted a very real danger). In the dead silence of the Assembly, pale, trembling, in tears even, he made his statement announcing that the Brazilian Government was resolved not to yield. Before this assembly of 48 nations, before a body of political leaders from almost every country in the world, the words uttered by the Brazilian delegate fell one by one like stones into a bottomless abyss. So grotesquely absurd, indeed, was Brazil's attitude that it even aroused compassion. More than one historian of the Special Assembly saw in his words a certain sombre grandeur, like the proudly

defiant utterance of a youth recklessly choosing suicide rather than suffer in his self-esteem.

Sir Austen Chamberlain spoke, and afterwards the French Prime Minister followed with a moving speech. With his cultured politeness he referred to Brazil's attitude as imposing on world policy, which was being directed along the paths of peace, a "humiliating paralysis¹". He assured the Assembly that the Treaties of Locarno would emerge victorious from the unforeseen check they had sustained. Sir Austen Chamberlain promised that the problem would unfailingly be solved at the September session.

Various speakers followed, but none made the least allusion to the difficulty they had been unable to solve as regards Europe itself, *i.e.* the admission of Poland to the Council; and so Brazil was made the scapegoat for the first check to the Locarno treaties.

1. "We must take to heart the lesson taught us by present experience. It is inconceivable that we should be unable to solve a problem such as the one now before us, or that a great organisation like the League should again suffer such a humiliating paralysis."

Verbatim Records of the Special Session of the Assembly, March 1926, Geneva, 1926, p. 26.

Shortly afterwards Viscount Cecil submitted to the Committee on the composition of the Council a scheme by which three temporary seats would be created, the holders of which would be re-eligible, while there would be six other temporary seats, to be filled in strict rotation. He further proposed that the approval of this scheme would imply that all the non-permanent members should be elected, and would take their seats, at once. Brazil would thus have no chance of imposing her veto on the Assembly at the September Session.

As we have seen, the defeat of the Brazilian Government was complete. After its hapless declaration announcing the veto and its subsequent failure to justify it before the Committee on the Composition of the Council, the Brazilian Government had no choice but to withdraw from the League in order to save itself from a last humiliation,—failure to secure even a non-permanent seat on the Council.

M. William Rappard, the distinguished Principal of Geneva University, in an article published in May 1926 in the *Revue de Genève*, predicted the resignation of Brazil as the only way of escape from the humiliation she would

certainly suffer in the Assembly of September 1926¹.

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Among the various arguments it used to justify its attitude in the Geneva crisis of 1926, the Brazilian Government referred to its past achievements in international politics, particularly at the Hague Peace Conference of 1907.

But, as everyone will remember, the Hague Conference was concerned solely with theoretical principles and with the problems of the European situation at that time. It was not difficult for our eminent representative to secure acceptance for a principle that all recognised and still recognise as unassailable from the purely theoretical standpoint of international law, namely the principle of the juridical equality of all States.

1. " Clearly, then, Brazil's claim to a permanent seat, if renewed in September, would not only be doomed once more to failure, out would have the immediate effect of depriving the claimant of any sort of representation, even elective, on the Council. Submit or resign, those are the alternatives before the Government of Brazil if the general position in September is at all similar to what, in appearance at least, it was in March. Whether Brazil gives her consent or whether she is no longer on the Council to oppose it, the entry of Germany seems assured." William E. RAPPARD : " La crise du Conseil ", *Revue de Genève*, May 1926, p. 539.

The Hague Conferences did not really succeed in coming to any conclusions in the juridical field. They merely recommended the Governments concerned, in lengthy, euphemistic, tortuous and circumlocutory terms, to adopt a number of rules regarding land and sea warfare and the outline of a system of international arbitration. And to-day those rules have lost all meaning in the form in which they are expressed.

Whoever knows the genesis of the peace negotiations of 1918-1919; whoever studies the manner in which the statutes of the League were conceived in view of the grim realities of the war and the armistice; whoever watched the attitude of Brazil towards the compromises which the victor nations had perforce to make; whoever knows all these things, cannot believe that Brazil was sincere in her professions. The "doctrine" we advanced at The Hague in 1907 was the same as the "doctrine" we defended at Geneva in 1926. But at The Hague we were debating on purely theoretical ground, while at Geneva we were transported to the realm of practical politics and historical facts. We were faced with realities; theories were swept

aside. And indeed Brazil, by the policy she had consistently pursued in her six years collaboration on the Council, had in actual fact confirmed the differences that inevitably arise between the conclusions of a body of jurists working, as it were, *in vacuo* and an assembly of statesmen deciding the fate of the world.

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How wrongly the Brazilian Government had acted at Geneva was confirmed by the fact that in the Assembly of Nations our country was deserted by all.

In the first place, Chile, whom our diplomats had naively believed to be anxious for Brazil to become a permanent member of the Council, not only dissociated herself from the *soi-disant* Americanist policy of our representative but actually obtained the seat we reluctantly gave up.

In the second place, as regards the Argentine, although our Government tried to convince that country that it was paying a belated tribute to American solidarity, the most authoritative organs of opinion in the Argentine press

disputed our arguments and denied our claims.

Lastly, the United States, on whom we had counted, maintained an ominous silence; and when the Brazilian President announced to the world that he had received a visit from Ambassador Morgan to congratulate him on the Brazilian policy in regard to the League¹, the United States broke that silence only to issue a worldwide *démenti* unprecedented in its sharpness^{2, 3}.

We in Brazil know how in the "four years' state of siege" the authorities lied in political, administrative, financial, economic, statistical

1. "In the Cattete Palace yesterday afternoon Mr. Edwin Morgan, Envoy Extraordinary and Minister Plenipotentiary of the United States, was received in audience by Dr. Arthur Bernardes, President of the Republic, in order to offer to the head of the nation his congratulations on Brazil's recent attitude in regard to the League of Nations." *Diario Official*, Rio de Janeiro, June 12, 1926, p. 11970.

2. "The United States Consul at Geneva and the American delegation to the Disarmament Commission have officially denied that the United States Ambassador at Rio de Janeiro congratulated the Brazilian President on the resignation of Brazil from the League of Nations." *Le Temps*, Paris, June 19, 1926.

3. United States and Brazil: "According to the United States Consul at Geneva, the report that the U. S. Ambassador to Brazil congratulated the President of Brazil on that country's withdrawal from the League of Nations must be formally and explicitly denied.

"It appears from a telegram received by the Department of State at Washington from Mr. Morgan, Ambassador at Rio de Janeiro, that the attitude of Brazil towards the League of Nations was never mentioned by the U. S. representative to the President of Brazil." *Journal de Genève*, Thursday, June 17, 1926.

and military matters of all kinds,—in every field of public life, in fact, in which the Government was concerned. But we do not realise how much we have suffered as a nation through the unprincipled policy of our public men in international diplomacy, on the greater stage of the world.

Yet these blunders, these incredible follies, this clear evidence of the ignorance and callousness of those who govern us cannot reflect upon the civilisation, the culture and the high moral principles of the Brazilian people. We are the first victims of a legal system violently misapplied, debased by the rawness and the passions of those who carry it into effect. The country has its ideal of freedom, living, burning, real. To the intense idealism of the overwhelming majority of the people those who govern us by force or fraud have nothing to oppose but greed for power.

No one can doubt what the issue of this struggle will be. The nation will win. The ideal of freedom will win, the aspiration to peace and justice which is in the very air breathed in America.

CHAPTER V

**The Collaboration of Brazil
and the Claims of her Government
in regard to the League.**

On March 18, 1926, shortly after the close of the Special Session of the League Assembly, the Council, at the proposal of Viscount Ishii, representative of Japan, decided to appoint a Committee of 15 members¹ to study and submit a scheme of reorganisation in regard to its composition and the election of its members. This Committee met on May 10-17. The draft scheme which Viscount Cecil submitted to it was obviously not calculated to satisfy Brazil's claims. The Committee did not, however, deal specifically with the question of the permanent seats; that question was postponed until the meeting of June 28. Nevertheless, the official statements² made by various members and the

1. Besides the ten Members of the Council, there were also representative of the Argentine, China, Germany, Poland and Switzerland.

2. At the fifth meeting, held on May 12, 1926, Viscount Cecil stated that "his Government had... instructed him to oppose, so far as he was at present advised, any extension of the number of the permanent members of the Council." *Report on the Work of the First Session of the Committee on the Composition of the Council*, Geneva, 1926, p. 44.

views they publicly expressed, left no shadow of doubt as to the decision not to increase the number of permanent seats. Nay, more ; the Cecil draft¹ contained an article stating that the new members of the Council would enter upon their duties immediately upon election. It was clear, therefore, that Sir Austen Chamberlain's words would be fulfilled ; Brazil would not be re-elected and would therefore be unable to repeat in September her veto on the entry of Germany².

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On June 10 the League received two communications from Brazil. One was from M. de Mello-Franco, notifying Brazil's resignation as from the close of the current session and stating that the Brazilian Government "had decided... to await the final decision of the Com-

1. Submitted at the session of May 1926, at the third meeting (on the 11th) of the Committee on the Composition of the Council. *Report*, p. 27.

2. "At the next meeting of the Assembly the demand (of Germany) will be accepted and... Germany will take her rightful place." Speech by Sir Austen Chamberlain : *Verbatim Records of the Special Session of the Assembly*, March 1926, Geneva, 1926, p. 26.

mittee called upon to study the reorganisation of the Council, in so far as the principal part of the request made by Brazil with a view to the permanent representation of America on the Council was concerned¹". The other communication came from the Brazilian Government itself, announcing that it had resigned and would shortly send formal notification of the fact².

Shortly afterwards, on the 14th, in a telegram sent direct to the Secretary-General³, our Government put an end to the period of suspense by notifying its definitive with-

1. "The Brazilian Government has decided to decline at the present session of the Council the honour which the confidence of the six previous Assemblies has renewed towards our country, and to await the final decision of the Committee called upon to study the reorganisation of the Council, in so far as the principal part of the request made by Brazil with a view to the permanent representation of America on the Council is concerned." Statement by M. de Mello-Franco, Brazilian Representative, to the Council of the League, Thursday, June 10, 1926.

2. "Since the present quarterly session of the Council is the last before the September Assembly, Brazil here and now vacates the non-permanent seat which she has occupied for the past seven years.

"It will remain for her, in accordance with the final paragraph of Article 1 of the Covenant, to notify the Secretariat in due course of her decision to abandon the honour of membership in the League." *Communication from the Brazilian Government to the Council and Members of the League of Nations, June 10, 1926.*

3. See Annex IV.

drawal¹. It then closed its League of Nations office at Geneva and ordered nearly all the staff to return to Brazil².

Further, in order that the world should be in no doubt as to the irrevocability of its decision (which was really the purely personal decision of the President in the last months of his tenure of office and at a time when his successor had already been chosen and accepted) the Brazilian Government asked the National Congress to annul the legal provisions relating to the

1. The well-known writer, M. Maurice Muret, in his "Bulletin Politique" in the *Gazette de Lausanne*, writes, June 16, 1926 : *An Arbitrary League*. This word is to be found in the last telegram from the Brazilian Government to the Secretary-General of the League at Geneva. It refers to the "arbitrary changes" which are making that body, to which, theoretically, all the world ought to belong, exclusively European. The changes do not please Brazil, and she bluntly says so. Her attitude reminds us, with all respect, of the Auvergnat who, being one day in an eating-house, found a child's shoe in his soup. His remark to the waitress was : " It isn't the thing itself I mind, but look at the room it takes up ! "

2. As is known, Russia, the avowed enemy of the League, has nevertheless sent delegates to many of its committees, and has carried on negotiations with it in regard to the repatriation of prisoners, the campaign against epidemics and the study of other health problems. It even sent an official health commissioner to a conference at Geneva and a representative to the Conference of Shipping Experts organised by the League.

Turkey also has been represented at various Council meetings when questions in which she was concerned were discussed. She has also attended a number of the League's Conferences.

The United States and the Argentine have, of course, never refused to work with the League.

representation of Brazil at Geneva, including the credit for the annual sums it had undertaken to pay the League until the expiry of the notice of resignation.

Spain, which has also resigned from the League, voted the credits for her representation at the International Labour Office and at the Disarmament Conference¹.

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Before we examine the form and substance of the Brazilian Government's note and its representative's statement, let us study the diplomatic situation of Brazil as regards the League which it has left, and see how our Government has fulfilled its engagements. Let us see how it has served the country in our international interest. Let us examine, in short, the diplomatic record of the Government which so lightly assumed such grave responsibilities in Brazil's name.

1. *Le Temps*, Paris, November 29, 1926.

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Brazil severed diplomatic relations with Germany on April 11, 1917, and declared war on October 26 of the same year. She was never, however, at war with any of the other Central European Powers,—Austria-Hungary, Bulgaria and Turkey.

The Treaty of Versailles, drawn up by the Peace Conference, at which Brazil was represented by the statesman who was afterwards to become her President, was published in the French original in the *Diario Official* (Official Gazette) of the Brazilian Union¹.

The National Congress took cognisance of this Treaty, which it was required to ratify, and in fact did ratify, but in French only, and no Portuguese translation of this important document was ever circulated to the representatives of the Union.

1. In his Message of May 3, 1920, the President of the Republic announced that "the Treaty of Peace of Versailles was officially published on January 12 last."

Decree No. 13990 (Jan. 12, 1920) which promulgated the Treaty of Peace signed at Versailles on June 28, 1919, was published in French and English; it was never officially published in Portuguese.

In consequence, Brazil entered and left the League without the Brazilian people ever having read in their own language any official translation of the League Covenant¹.

From May 1923 to May 1926, that is to say, during nearly the whole of our late Government's period of office, 751 international treaties and agreements on a number of different

1. In connection with the plebiscite on Switzerland's accession to the League (May 1920), Lord Bryce publishes the following evidence given by an eyewitness : " The Covenant of the League of Nations, with various annexes, has been distributed to all the citizens of the country. The newspapers are full of it, and meetings are being held everywhere. In even the lowliest inns one hears heated discussions on the different articles, which the humblest citizens know by heart, just as they know and quote the commentaries on them by leading jurists. I myself was stopped in the street and questioned by modest citizens who drew from their pockets copies of the Covenant pencilled all over with notes, and asked me for a detailed explanation of different articles."

JAMES BRYCE : *Modern Democracies*, Macmillan, 1921, vol. 1, p. 489.

WILLIAM RAPPARD (*Switzerland's Entry into the League of Nations*, Geneva 1924), tells us that " all the members of the Government, and in particular Federal Councillor Motta, showed an example of civic devotion by taking an active part in the task of making the League known to the public. Their examples were followed by innumerable members of Parliament, public men and intellectual leaders."

The result of the plebiscite of May 16, 1920, was as follows : In favour of Switzerland's accession to the League, 416.870 votes ; against, 323.719. Ten cantons and three semi-cantons voted for and nine cantons and three semi-cantons against. *Report of the Federal Council to the Federal Assembly regarding the Result of the Plebiscite of May 16, 1920, on the Accession of Switzerland to the League of Nations*, June 21, 1920.

subjects were registered with the League.

In this period Brazil only registered four treaties. In the same period England registered 122 treaties, Germany 66, France 54 and Sweden 53.

These facts refer to the Government's diplomatic record during its four years of office. They show its inactivity in international affairs; but the particulars given below reveal how ill we fulfilled the obligations we entered into at Geneva.

The League and the various international conferences held under its auspices adopted 44 international protocols, conventions and agreements, *of which Brazil only ratified two*¹.

Since 1920 the Brazilian Government has

I. International Labour Conventions.....	23
Communications and Transit.....	9
Traffic in Women and Children.....	1
Obscene Publications.....	1
Opium (1922-1925).....	1
Arms and Ammunition.....	1
African Territory.....	1
Prohibition of Asphyxiating Gas in Warfare.....	1
Permanent Court of International Justice.....	2
Geneva Protocol.....	1
Commercial Arbitration.....	1
Customs Formalities.....	1
Amendments to Art. 393 of the Treaty of Versailles.....	1
TOTAL.....	44

only found time to examine and ratify two conventions relating to the Permanent Court of International Justice, and one of these, which made the jurisdiction of the Court obligatory *de pleno jure*, was only ratified by Brazil on condition that it was also ratified by at least two of the permanent members of the Council.

The last two amendments to the Covenant (Article 16), adopted on September 27, 1924, and September 21, 1925, were signed by Brazil but have never yet been ratified by her, despite the fact that she has always been on the Council.

It is true that Brazil ratified the first amendments to the Covenant, but the history of these ratifications only furnishes a glaring instance of the Brazilian Government's constant and extraordinary carelessness.

The Second Assembly of the League (1921) adopted various amendments to Articles 4, 6, 12, 13, 15, 16, and 26 of the Covenant, and Brazil, who was then represented by M. Gaston da Cunha and MM. Raul Fernandes and Cincinato da Silva Braga, members of the Brazilian parliament, voted for these amendments.

The Statement of Reasons drafted by the Minister for Foreign Affairs which accompan-

ied the Message of the President of the Republic dated July 26, 1922¹, asking the National Congress to approve the Protocols relating to these amendments, purports to contain a "certified true copy" of the Protocols. The Rapporteur of the Diplomatic Committee of the Chamber of Deputies drafted a long report on them, in which, incidentally, he did justice to the Brazilian representatives². All the members of this Committee signed the *rapporteur's* report. The bill approving the amendments to the Covenant passed rapidly through the Chamber and through the Senate. It became

1. *Diario do Congresso Nacional*, Aug. 15, 1922, No. 87, 33rd year, p. 2808.

2. "The rapporteur considers that it is his duty as a patriot to call the attention of the Committee, the Chamber and the country as a whole to the remarkable part played by the Brazilian representative, M. Raul Fernandes, in the discussions held by this high Assembly, and in the framing of the resolutions which it passed on this and the other amendments submitted for the approval of the Congress. The rapporteur feels that, as a patriot, he must emphasise this point, because he believes it has escaped the notice of the Brazilian public. Indeed it at first escaped his own notice, as it must have that of all who have had no opportunity of examining in detail the official documents of the Assembly which had been brought to his notice. He feels similarly bound to express on this occasion how greatly he was impressed on reading of the work of the other Brazilian delegate, M. Cincinato Braga, the member of the Second Committee, which dealt with economic questions.

Parecer (*Comissão de Diplomacia*), No. 10 (1922). Chamber of Deputies.

law, and in consequence a magnificent parchment document was sent to Geneva, signed by the supreme authorities of the Republic, declaring that the specified amendments to the Covenant had been ratified.

But the Secretariat of the League of Nations, on examining the Brazilian Government's parchment, found that the "certified true copies sent by the Brazilian Foreign Office to Congress did not contain the most important of the amendments adopted by the Second Assembly, namely, those relating to Articles 6, 16 and 26 of the Covenant. What the Brazilian Congress had ratified was the table given in the Annex; it had never even seen the fundamental amendment to Article 6 of the Covenant!" ("Report of the Secretariat to the Fourth Assembly of the League of Nations", Annex Sept. 1, 1923.)

The parchment was accordingly returned to Rio de Janeiro, and in the following year the Ministry of Foreign Affairs of the next Government (October 31, 1923) prepared a fresh Statement of Reasons, as though the subject dealt with were a new one, and hoped that the public would not notice the lamentable carelessness

that had occurred. A new "certified true copy" was issued of the Protocols relating to the amendments to Articles 6, 16 and 26 of the Covenant.

This time the *rapporteur* of the Diplomatic Committee confined himself to recommending the ratification of the amendments. The Chamber and Senate again ratified the amendments which they had imagined they had ratified in the previous year.

So there was forwarded to Geneva a fresh parchment, declaring that the amendments to Articles 6, 16 and 26 of the Covenant had been duly ratified.

But the story does not end there.

Once again the "certified true copy" proved untrue.

The Second Assembly adopted, in all, three amendments to Article 6 of the Covenant¹. The first and fundamental one gave the Assembly the right to fix the proportions in which the expenses of the League should be borne by the Member States; the second, which was also

1. League of Nations : *Official Journal*, Special Supplement No. 6, Oct. 1921. Resolutions and Recommendations adopted by the Assembly at its Second Session, Geneva, 1921, p. 11.

essential, provided that the system so established should remain in force until a fresh allocation was made; and the third consisted of a table given in an Annex and containing a list of the States Members and the respective units allotted to them.

The document sent by the Ministry of Foreign Affairs for approval by the National Congress, accompanied by the Statement of Reasons of July 26, 1923, was simply the table in the Annex constituting the third amendment to Article 6!

In 1923 the Brazilian Foreign Ministry sent to Congress the first amendment to Article 6, which was then ratified.

So that the second amendment to Article 6 of the Covenant adopted by the League Assembly in 1922 has never yet been submitted to the Brazilian Congress, notwithstanding the fact that the Brazilian Government formally notified the League that it had been ratified by the legislature!

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As regards the questionnaires on different subjects which were sent by the League to the

Brazilian Government, it is interesting to note that in hardly a single case did we honour the League with a reply.

To quote a few instances :—On January 23, 1925, the Committee for Communications and Transit sent to all the States Members of the League, and to the United States and Germany as well, a *questionnaire* on passports and visas.

The Secretary General gave a list of the replies received in a publication dated July 10, 1925, and two *Addenda* of December 31, 1925, and May 1, 1926, respectively.

Brazil's name does not appear in any of them.

The Committee appointed to prepare a preliminary draft scheme for the control of the private manufacture of arms and ammunition and implements of war sent to every country, on January 9, 1926, a *questionnaire*, to which a large number of States replied.

The Secretary-General even received replies from the United States and Russia, but none from Brazil¹.

But these are not the only proofs that can be adduced in evidence of the Brazilian Govern-

1. Supplementary Report to the Seventh Assembly of the League of Nations, Geneva, August 31, 1926.

ment's inertia and its disregard of the engagements entered into by its representatives on the League. Suffice it to say that, in the matter of carrying into effect the decisions of the different international labour conferences, Brazil is in the same position as Paraguay. The Brazilian Government merely informed the International Labour Office that the conclusions of the Washington Labour Conference of 1919 were under discussion by the Federal Congress. During its four years of office the last Brazilian Government did nothing towards fulfilling either these international engagements or those arising out of the other Conferences¹.

In the same period the Argentine drafted legislation in regard to all the decisions of the Washington, Genoa and Geneva Conferences. Chile did even more; she ratified eight of the decisions of the International Labour Office and is studying more than twenty².

1. By so doing Brazil has rendered herself liable to the sanction provided in Articles 416 *et seq.*, of the Treaty of Versailles, according to which the Permanent Court of International Justice may sentence Brazil, without appeal, for infringement of Article 405 of that Treaty, which stipulates that Members of the League must submit recommendations or draft conventions adopted by the international labour conferences to their parliaments or other authorities within a year or at most 18 months.

2. See *The Progress of Ratifications*, October 1926, issued by the International Labour Office.



But the international obligations assumed by our Government in respect of the League are not confined to studying, taking decisions and passing legislation on questions connected with the Council and Assembly. Its duties include even now, as far as Brazil herself is concerned, following closely the work of the League and seeing that our fellow-citizens have their due share in this work,—and this not only to mark the value of Brazilian collaboration but to stamp the juridical, literary, scientific and technical culture of Brazil with the essential hallmark of a world-wide outlook.

It was a great misfortune, due to the negligence of our Government, that Dr. Raul Fernandes, one of Brazil's most distinguished sons, was not appointed Legal Adviser to the League, with the rights and privileges of an Assistant Secretary-General¹, a high post which would have enabled him to take a prominent part in international affairs.

1. *Le Temps*, Paris, February 11, 1926.

But the Government's indifference in the matter of appointments to posts on the various Committees has been so marked that we are beyond comparison in this respect not merely with other Members of the League but with the United States, which has never belonged to it.

Apart from the Permanent Advisory Committee on Military Question (whose members are nominated by the various governments) Brazil is only represented on three committees : by Dr. Barbosa Carneiro on the Economic and Financial Committee; by Dr. Carlos Chagas on the Health Committee; and by Dr. Aluizio de Castro on the Committee on Intellectual Cooperation¹.

The United States have the following :—Economic Committee, Professor Seligman and Mr. Pridam ; Health Committee, Surgeon-General H. S. Cummings and Dr. A. Hamilton ; Committee on Intellectual Cooperation, Messrs. R. A. Millikan, Vernon Kellogg and Schramm.

The great North American Republic can point with pride to the fact that, even outside

1. For the organisations and committees of the League of Nations see *Monthly Summary*, vol. VI, No. 1.

the League itself, an American, Mr. Jeremiah Smith, represents the League at Buda-Pest; another, Mr. Kay, is the League's Trustee in Austria; Mr. Howland is the Chairman of the Greek Refugee Settlement Commission; Mr. Pinckney Tuck is a member of the Opium Committee and Miss Grace Abbott is on the Child Welfare Committee.

Even with the Argentine, despite that country's withdrawal from active participation in the League, Brazil compares unfavourably; for the Argentine has representatives on the Economic and Financial Committee (M. Tornquist) and the Committee on Intellectual Cooperation (M. L. Lugones).

In the Permanent Court of International Justice Brazil is represented by M. Epitacio Pessoa; but one seat is also held by the eminent American jurist, John Bassett Moore.

On the Committee for the Codification of International Law, there is a representative of the United States, Mr. George Wickersham, and of the Argentine, Dr. José León Suarez, but none of Brazil.

In the care with which they follow the activities of the League the other governments

which have retired from it or those which do not belong to it offer a strong contrast to Brazil, who, in her anxiety to break with Geneva, has, as we have seen, withdrawn almost all her representatives from the different committees, even those who had work unfinished or were preparing reports on various questions.

The American Government adopted a very different attitude in November 1922, when it announced that it would accept all invitations to its citizens to sit unofficially as members of League committees when dealing with subjects in which the U. S. was interested¹. By this step the U. S. made sure that it would not be precluded from following in detail important work affecting its own interests.

Such, in brief, is an account of our diplomatic relations with the League of Nations. Our negligence has beaten all records. We have entered into engagements which we have afterwards failed to ratify. We have signed decisions and have subsequently been the first to ignore them. We have disregarded our prim-

1. *Le Temps*, November 19, 1922. Statement made in connection with the case of Dr. Dorret, a high official of the Department of Agriculture, of whose services the League availed itself.

ary interests, and finally, through our severance from the League, our position on the various committees has become comparable only with that of those countries which do not belong to the League at all.

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The Government which showed itself so remiss in the fulfilment of its engagements towards the League nevertheless judged itself sufficiently well informed to be able to state its claims direct, over the head of its own representative¹. It seems that M. de Mello-Franco thought his own arguments sufficient to carry conviction with the Council, but the Government at Rio de Janeiro insisted on sending its views to Geneva pure and undefiled, so that there were two editions of the arguments in favour of our cause. Our representative's proposals were based on juridical and political considerations, but the home Government

1. As is known, the document in question was the second that President Bernardes drafted or ordered to be drafted. The terms in which the first was worded were such that it was sent back to Rio de Janeiro accompanied by a request from M. Mello-Franco to be allowed to resign.

obviously puts its views on paper *extempore*, with all the superficiality of someone who imagines he can clear up a difficulty without waiting to hear what it is about.

The reader who has taken the trouble to follow this account of the genesis, conception and organisation of the League of Nations, who has watched it from its first beginnings, who recalls the attitude of Brazil and the part she has played in this child of Wilson's brain cannot but be astonished to find all these various reasons given in justification of the grave decisions which our Government took, decisions involving consequences for which Brazil must and will be held answerable.

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In its Communication the Rio Government laid stress on the inequitable organisation of the League Council from the point of view of geographical distribution. But none of the authors of the Covenant took the geographical or continental principle into account either from the political or the juridical standpoint¹.

1. All the Assembly resolutions regarding the distribution of Council seats refer to the non-permanent seats.

Their intention was to divide the countries of the world into two categories,—the “Great Powers”, with their duties and responsibilities and rights; and the Powers with “limited interests”, which naturally exercise a more circumscribed influence in international affairs. The American nations have always claimed that they are entitled to a greater number of elective seats on the Council in view of their number and on the basis of the principle of rotation. As we saw some way back, the object of M. Agustin Edward’s move was to liberate an elective seat which had nominally been allotted to America but, as the result of a political compromise, had been monopolised by Brazil by constant re-election. The Chilian delegate’s reasoning was quite clear. If America has only two seats which are to be occupied in turn by the seventeen American Member States, and if one is monopolised by Brazil through perpetual re-election, it would be better for that country to have an actual permanent seat and so free an elective seat for the representation of the continent as a whole. Chile’s attitude in 1926 bears out this interpretation of her previous attitude. This was, moreover, the view taken

by all the American countries, which constantly claimed an equitable number of non-permanent seats on the Council in order that they might all sit on that body in turn. No American country, not even Chile, through M. Edwards, ever claimed that Brazil should be given the status of a "great Power" in order to become entitled to a permanent seat. Brazil was simply the exception to the rule. She was content to be a substitute acting for the United States. The absence of the great republic of North America necessitated a departure from the principle that the great Powers should always be in a majority on the Council; and the condition of unanimity reduced to *nil* the claim of that oligarchy, established for "reasons of State", to rule the League.

But any arguments served the turn of the diplomats at Rio de Janeiro. They made the absurd statement that "the European portion of the League of Nations, which is the most directly concerned in the establishment of regional peace in the Old World, endeavoured to find at Locarno a separate solution for its own

1. *Communication from the Brazilian Government, June 10, 1926, p. 6.*

difficulties¹". No one had ever before heard of a "European portion" of the League. In any case the nations which had attempted at Locarno to find a separate solution for the *regional peace of Europe* were Germany, France, England, Italy, Poland, Jugoslavia and Czechoslovakia,—all the nations, in fact, who were directly concerned in the outbreak of war in 1914, and who would necessarily be the arbiters of peace and war throughout the world. The entry of Germany naturally brought about the political predominance of the great Powers on the Council. Then the Brazilian Government, which had always laid claim to the benefits it received under that system, turned round and revolted against the unequal treatment of States in the organisation of the Council, set forth its view of the American ideal and issued a belated protest against the abandonment of the principles laid down in the Fourteen Points of President Wilson, whose liberal conception of the League was, it alleged, being destroyed by Europe. The author of the Brazilian Government's Memorandum even ventured to give a somewhat original military conception of a "Great Power". "If", he says, "it is

decided that only the Great Powers are to have permanent seats on the Council, it will be difficult to make them understand Germany's election, seeing that for the present the Treaty of Versailles forbids her to possess a large army or fleet.¹"

On his side the Brazilian representative, M. de Mello-Franco, spoke of "the abandonment of the militarist conception of a great Power, and the radical change of this obsolete conception into another more in conformity with the idea of the universality of economic interests and the principle of solidarity and the interdependence of States..."²

Thus the argument he put before the Council was the precise opposite of that advanced by his own Government.

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"When the storm was allayed", says the *Brazilian Communication*, "and when at length, as a result of Brazil's attitude, the question of reform was brought under discussion, consider

1. *Communication from the Brazilian Government*, June 10, 1926, p. 11.

2. *Minutes of the Fortieth Session of the Council*, p. 887.

the expedients to which the partisans of the old system were ready to resort in order arbitrarily to change the substance of Article 4 of the Covenant¹".

The Brazilian Government thus claims that it was its attitude that had led to the study of the problem of the Council's composition. In point of fact, however, Brazil's action merely led, in virtue of a proposal by Viscount Ishii², to the appointment of a fresh committee to study the question.

Certainly no subject has been given more consideration by the League, not only in the Assembly and the Council but in the First Committee, which deals with "constitutional questions"³".

Thus, at the First Assembly itself, the problem of the composition of the Council was examined by a committee, which drew up two reports on the subject. Amendments were then

1. *Communication from the Brazilian Government*, June 10, 1926, p. 13.

2. *Minutes of the Council* : Thirty-Ninth Session, held at Geneva, Monday, March 8th — Thursday, March 18th, 1926 (*Official Journal*, No. 4, 7th Year), p. 533.

3. On this subject see the article by Senator Louis Brouckère, Professor at the University of Brussels and Belgian Delegate to the 7th Assembly of the League, published in *L'Europe Nouvelle*, No. 449, September 18, 1926.

submitted by a number of States,— Denmark, Norway, Sweden, Portugal, Holland, Cuba, China, Switzerland and Venezuela. The terms of the Argentine proposal are also familiar enough, since they led to the withdrawal of that great republic from the League.

At the Second Assembly the subject was taken up afresh, and a solution adopted amending Article 4 of the Covenant, which incidentally was ratified by Brazil on July 7, 1923.

At the Third Assembly the question of the composition of the Council was again discussed and a report drawn up by the eminent Professor Barthélemy. At this Assembly a practical solution was proposed by M. Léon Bourgeois and Lord Balfour, namely that the number of non-permanent seats should be increased from four to six.

The Fourth, Fifth and Sixth Assemblies considered the subject and adopted various resolutions. On September 26, 1925, the Sixth Assembly unanimously adopted the Venezuelan Delegation's proposal, by which Brazil could not be re-elected in 1926 to the seat she held on the Council. The Brazilian Government's Communication itself affirms that the candi-

datures of Spain and Brazil to permanent seats on the Council had already been examined, and alluded to a veto by Brazil on the granting of a permanent seat to Spain.

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The Brazilian Government, in its Communication, demands that any changes proposed should be given the "regular form of an amendment to be submitted to the Governments of the States Members for legislative approval and eventual ratification¹". And it adds further on that it was claimed "arbitrarily to change the substance of Article 4 of the Covenant, in which no such extensive change could be made except by an amendment in due form²".

Nothing could be more curious than these legalistic scruples on the part of a Government that could hardly be said to have systematically ratified the League's decisions.

The observations quoted above from the Brazilian Government's Communication were

1. *Communication from the Brazilian Government*, June 10, 1926, p. 12.

2. *Ibid.*, p. 13.

particularly ill-advised, because the Brazilian representative himself, at the Council meeting on February 12, 1926, had explicitly pointed out to his colleagues the true interpretation of Article 4 of the Covenant. "M. de Mello-Franco, referring to Item 2 of the Agenda (Decisions of the Assembly on the proposals which might be made by the Council in application of Article 4 of the Covenant) drew the attention of the Council to the second paragraph of Article 4 of the Covenant. He observed that this paragraph was composed of two sentences. The first dealt with the increase in the number of the permanent Members of the Council, and the second with the increase in the number of the non-permanent Members. In the case of the increase of the number of permanent Members, the Council named the new permanent Members and the Assembly approved this nomination. In the case of the increase of the number of the non-permanent Members, the Council proposed the increase to the Assembly for approval; when this approval had been obtained, the Assembly selected from among the Members of the League those which would be represented on the Council.

The representative of Brazil asked that this interpretation of paragraph 2 of Article 4 of the Covenant should be placed in the Minutes¹”.

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The Brazilian representative was anxious not to depart without removing as far as possible the unfortunate effect of his Government's Communication, and accordingly himself gave a juridical statement of the reasons which had led the Brazilian Government to take a step so prejudicial to its own interests as to resign from the League. He maintained that the American continent has the right to a permanent seat on the Council of the League. Brazil, being one of the countries of that continent, shares that right and does not need a preliminary mandate from the other American countries to place her in a position to maintain a right which she possesses in common with them all. The question is not, however, that of the

1. *Minutes of the Council* : Thirty-Eighth Session (Extraordinary Meeting) held at Geneva on Friday, February 12th, 1926 (*Official Journal*, 7th Year, No. 4), p. 498.

rights of the American continent but those of the States of which that continent is composed; and 16 out of the 17 nations represented in the League Assembly hold that their right consists of "representation on the greatest possible number of non-permanent seats on the Council, to be occupied in turn by all the American republics". Clearly then, there is no question here of a real "right" at all, but rather of political expediency. The League of Nations is still permanently ruled by the great Powers, who also bear the main burden of responsibility. They undertake duties which directly affect their frontiers, the life and security of their peoples, their national wealth. In other words, the guarantees for the maintenance of world peace must still be provided by those countries which can loose the thunderbolts of war. Outside these vital considerations, anything else, any other organisation that tends to support and strengthen the League can only be of secondary importance. The nations with "limited interests", no matter to what continent they belong, will be judged and valued, jointly and severally, either by the moral criterion of their civilisation, their political principles and their

standards of law and order, or else by the material criterion of their economic wealth, raw materials and international trade. But beyond that, for the present at any rate, there is no room in the supremely political conception of the League for claims based on idealistic considerations of freedom or on juridical or casuistical arguments.

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The moral of all this is that in new countries it is extremely hard for perfected and liberal institutions to co-exist with the incompetent type of men who—often through some unexpected turn in the intrigues of party politics—are called upon to govern. In Brazil, as in the United States, the direction of international politics is in the hands of the head of the Executive. Congress, though it may ratify treaties or conventions, approve or issue declarations of war, is always, in the matter of negotiations, faced with a *fait accompli*. Under our Constitution the only check on the power of the head of the State lies in his sense of responsibility.

Wilson, the child of a vigorous democracy, had a blind faith in the healthy influence of publicity and the moral force of public opinion; and his faith was shared by England.

The Latin nations of Europe, however, conscious of their own highly emotional natures, the enthusiasms, the overpowering sentiments by which they are apt to be swayed and which preclude any dispassionate appreciation of facts, any calm and considered reasoning, have always been sceptical of the curbing power of public opinion. For governments know how impetuous that opinion can be, and do not scruple to arouse it when their own ends can thereby be served.

The governments of Brazil, however, relying on violence, have discovered a less subtle but even more effective method of checking the stimulus of public opinion; they establish a permanent state of siege.

There can be no doubt that the founding of the League of Nations has brought international politics within strictly circumscribed bounds. Nations in their policies are turning to it more and more. But its political character, which still seems to be its main characteristic,

may be swept away at any moment by some flood of new ideas. Where such ideas will find their origin we cannot yet know; but history is full of examples of the subterranean growth of such movements. In the 18th century, for example, more than a hundred thousand persons were burnt in Germany for witchcraft and sorcery. The English Act of Parliament punishing witchcraft was not rescinded until 1745; torture was not abolished in France until 1780. At that time slavery was regarded in England as one of the mainstays of the national greatness. Fifty years later it was held in horror. Human nature is not unchanging. Perhaps tomorrow may see the birth of the juridical conception of the League. The organisation of justice in individual countries took ten centuries to reach the stage of perfection which is the surest index of national civilisation. It is not too much, then, to expect international justice to take some decades to rid itself of the belief in force, the instinct to resort to violence, the obsession with self-interest, which still lie at the root of international politics to-day. And doubtless Brazil, a great nation, displaying all the wonders of the conti-

ment wherein she lies, with her untold wealth, the increasing numbers of her sons, the value of her labour and the ideal of peace and justice which is the fount of her strength, is destined to be one of the prime moving forces in changing the international mentality. It is abundantly clear that the part she must play in the League must be commensurate with the great value of the help she can render. What we in Brazil have still to learn is the true nature, the real value, the high cost, the immense possibilities and potentialities of international politics.

The well-known journalist, M. William Martin, concludes an article in the *Journal de Genève*, entitled "The President of Brazil", with the following words :—"Brazilian statesmen are faced to-day with a problem akin to that which the United States had to solve a century ago,—the problem presented by a country of vast size and unlimited wealth, but sparsely populated and without communications.

"This country may become one of the greatest economic and political Powers of the New World. There is no doubt that it will possess,

in the eyes of future generations, all the prestige which invariably attends power and wealth; but on one condition—that Brazilian statesmen turn their attention more to raising their people and developing their country so as to make it yield all that it is capable of yielding, and less to attempting to obtain for it an international standing for which it is not yet ready¹. ”

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The lessons of the League crisis of 1926 cannot but help to improve those institutions in which the moral life of the nation is centred. We shall inevitably return to the international fold at Geneva. When we return, however, let it be in the spirit of Wilson's "New Age". Let us redeem this hapless episode of the veto, which merely betrayed unparalleled diplomatic clumsiness. There is nothing to be gained by losing our foothold in present-day international politics. Everywhere we see new ideas, soon to

1. *Journal de Genève*, No. 319, 97th Year.

become realities, evolving in matters of nationality and sovereignty, international law and justice. The bounds of narrow juridical individualism are everywhere being broken down. Perhaps these new ideas will provide a more solid foundation for the somewhat nebulous pan-Americanism that at present characterises our theories and ideals of freedom and political life.

A sense of responsibility, a practical and realisable policy, high standards of culture, courtesy, civilisation,—these are the main features of the program we must follow when we are back again in our place in the community of nations; when we are no longer the unconscious tools of the false and overweening pride, the vanity, the fatuity of governments which must inevitably and rapidly sink into oblivion.

ANNEX I

**League of Nations : Special session of the
Assembly (March 1926). Text of the
Debates.**

THIRD PLENARY MEETING

Wednesday, March 17th, 1926, at 10 a.m.

CONTENTS :

REQUEST OF THE GERMAN GOVERNMENT FOR ADMISSION TO THE LEAGUE OF NATIONS.

President : M. Affonso DA COSTA (Portugal).

REQUEST OF THE GERMAN GOVERNMENT FOR ADMISSION TO THE LEAGUE OF NATIONS.

THE PRESIDENT. — *Translation :* The first item on the agenda is the examination of the conclusions of the report submitted by the First Committee on the German Government's request for admission to the League of Nations.

I call upon the Right Honourable Sir Austen Chamberlain, Chairman and Rapporteur of the First Committee, to take his place on the platform.

SIR AUSTEN CHAMBERLAIN (British Empire). — Mr. President, ladies and gentlemen—The proposition which I have the honour to make to you depends upon a declaration which has been made to me by the honourable representative of Brazil. I would beg,

therefore, Mr. President, that I may be allowed to defer my remarks until the representative of Brazil has communicated his declaration to the Assembly.

THE PRESIDENT. — *Translation* : M. de Mello-Franco will address the Assembly.

M. DE MELLO-FRANCO (Brazil). — *Translation* : Mr. President, ladies and gentlemen—Replying to the memorandum sent by the German Government to the Governments of the States represented on the Council, the Brazilian Government stated that it earnestly desired, and indeed considered it essential, that all States which were still not Members should join the League, reaffirmed our devotion to the spirit and letter of the Covenant, of which Brazil was one of the signatories, and proceeded as follows : “ The Brazilian Government is of opinion, however, that the concrete questions arising out of the desires expressed by Germany are such as cannot be dealt with by individual Governments between themselves ; they should rather be stated and discussed as a whole by the Members of the League and within the League, in order that the various aspects of these questions and the views of the other Members should be fully made known. The German Government may be sure, however, that we shall examine impartially and in a conciliatory spirit the desires it expresses in its memorandum dated September 29th, 1924, and that we are resolved to find satisfactory solutions for all questions and all just claims, without prejudice to the engagements undertaken by Brazil or to the true

doctrine of international law, so far as the latter is applicable in each individual case. ”

It is upon the principles enunciated in the above reply that the Brazilian representative on the Council has acted during the arduous and painful discussions at the secret meetings of the past few days.

We took no part in the difficult work of negotiating a solution acceptable to the various political interests at stake. We merely avoided compromising the principles laid down in our reply of December 1st, 1924, which I have just quoted.

We still maintain that the reform of the present constitution of the Council is not a matter which concerns certain European States only; we think that this question is of such vital importance to the League that it cannot be solved by means of special agreements between individual Members, but that every State without exception must be heard in order that, before a solution is adopted, the views of all may be known.

These principles, which we are proud to have championed, are based on the foundations of the Covenant itself and on the juridical equality of sovereign States.

The Brazilian nation followed the work of the Locarno Conference with deep interest, and rejoiced when it learnt of the conclusion of the great work of the Treaty of Guarantee and the Arbitration Conventions, which will help so greatly towards the establishment in Europe of peace based on justice.

How, indeed, could it be otherwise, in view of public opinion in an idealistic and peace-loving country like

Brazil, which has placed arbitration among the cardinal principles of its political constitution?

Nevertheless, despite the great value of these agreements, which so greatly redound to the honour of the distinguished statesmen who concluded them, we must not forget that it is the admirable work done at Locarno which must be brought within the framework of the League of Nations and not the League which should be brought within the political framework of Locarno.

It would be a most unfortunate mistake to assume that our policy during recent events was actuated by any merely selfish consideration or by misguided national pride.

That, I repeat, is utterly untrue. I desire to reaffirm in this Assembly what I have always maintained in the Council : that, in virtue of our right as an American nation, we claim that America should be represented more equitably and more fully on the Council. As an integral part of America, Brazil has an equal right with the other American countries to formulate this claim; for it is the logical consequence of a community of interests, as of an abstract condominium, that a joint owner may defend joint property as if it were his own—*res sua propria agitur*.

We sincerely regret that the great German nation has not been at once admitted to the League. We regret it not only because of the value of her contribution to the common task but also because her entry would represent an immense advance towards the universalisation of the

League, to which, I would add, Brazil has on all occasions afforded her modest yet unfailing support.

The distinguished representatives of the States Members of the Council cannot in justice refuse to acknowledge that our conduct has been loyal and based upon considerations of the highest order.

I have the honour to inform the Assembly that my Government's instructions are irrevocable and final.

THE PRESIDENT. — *Translation* : I will again ask the Chairman and Rapporteur of the First Committee to come to the platform.

(*Sir Austen Chamberlain, Chairman and Rapporteur of the First Committee, took his place on the platform.*)

THE PRESIDENT. — *Translation* : Sir Austen Chamberlain will address the Assembly.

SIR AUSTEN CHAMBERLAIN (British Empire), Chairman and Rapporteur of the First Committee :

Mr. President, ladies and gentlemen—The report of the First Committee has been in your hands for some time. It answers in the affirmative the questions which it has been customary to put when examining a request from any nation for admission to the League, and it recommends the acceptance of the German request and an approval of her entry into the League. But, ladies and gentlemen, it is known to us all that, from the first, the German Government has made its demand subject to one natural and reasonable condition : that when she entered the League, she should receive a place on the Council consonant with her great position and influence.

It was necessary, therefore, that, before I could propose to you to give a vote which, by itself, would make Germany a Member of the League, we should be assured that this further and most reasonable request would receive satisfaction.

The declaration which has just been made by the honourable representative of Brazil shows that the members of the Council are not in a position to give that assurance and, under those circumstances, it is impossible for me, having regard to the duty of loyalty that I owe to Germany herself, to propose that, at this moment, you should make her a Member of the League.

Ladies and gentlemen, when we all came to Geneva, we found that there had arisen suddenly, and owing to a regrettable misunderstanding—I might even say owing to a regrettable failure on either side to mention a point which was of critical importance—many difficulties in the way of the immediate acceptance of Germany.

At one moment those difficulties existed in the ranks of the Powers which signed the Protocol of Locarno. I am profoundly happy to be able to say that all the difficulties which existed within the ranks of the seven Locarno Powers have been removed and that, if they had been the only obstacle, we might at this moment vote the entry of Germany into the League; to-day she might receive her permanent seat upon the Council, and this new acquisition of force and strength to the League, this new pledge for the stability of peace, would have been realised, as we all earnestly trusted that it might be.

Moreover, I cannot merely record that those difficulties have been removed. I must add that they were removed by the generosity of two members of the Council and the States which they represented. One of them was numbered among the Locarno Powers, and one of them had no occasion to participate in the Locarno meetings. I can only say that it was with profound emotion that I listened to the offer which they made and which solved our difficulties—an offer which shows, if any proof were needed, how deeply both are attached to the cause of world peace, how profound is the devotion of both to the interests of this great League and of all for which it stands, and how keen must have been their sense of the disaster which menaced us all, if the entry of Germany were not now accomplished.

I desire on behalf of the British delegation—and I know I speak the mind of all my colleagues from the Dominions and from India—here from this tribune to express our deep appreciation of the generous, unselfish and, indeed, noble conduct of Sweden and of Czechoslovakia.

It is indeed a tragedy that, when these difficulties had been removed, when there was no longer any danger that Europe might again be divided into the two camps of a few years ago, when, by surmounting these difficulties, we had not only not injured or impeded the work of reconciliation that was in progress but had given new proof how deeply its roots had struck and had shown that even under such a strain that work

of reconciliation had continued and would continue, another obstacle has arisen in our path and the unanimity of the Council is not secured.

Ladies and gentlemen, I am obliged to speak not only—perhaps least of all, in the circumstances—as Rapporteur of the First Committee, but also in the name of Great Britain. Permit me, therefore, to say that we, the seven Powers who signed the Treaty of Locarno and its accompanying Pacts, are determined that the good work done there shall not be interrupted, that those Pacts shall go forward to their fulfilment and their ratification, and that the policy of peace, of reconciliation and of co-operation which was there begun shall not be interrupted.

Now, ladies and gentlemen, I have discharged my task. It is a bitter disappointment to me that that which I have so earnestly striven to accomplish, that which seemed well within our grasp and capable of realisation here and now, must be postponed ; but I am sure that the Assembly, whilst sharing my regret, will share my hope and confidence that an adjournment of this request, if adjournment there must be, shall be an adjournment only, in order to make certain that at the next meeting of the Assembly the demand is accepted and that Germany shall take her rightful place, so that the League may gain all that new importance and new influence in the world which the co-operation of that great country with us, who are already, Members of the League, will bring to us and to her.

THE PRESIDENT. — *Translation* : M. Briand, first delegate of France, will address the Assembly.

M. ARISTIDE BRIAND (France). — *Translation* : Mr. President, ladies and gentlemen—I come before you on behalf of the French delegation to associate myself wholeheartedly with the lofty and eloquent words of my colleague and friend Sir Austen Chamberlain, first delegate of Great Britain.

Like him, I have to express both regret and hope. When this Assembly met, certain serious difficulties had arisen among the members of the Council, and I may say that between the representatives of France and the representatives of Germany who had come here to negotiate with them there were certain serious misunderstandings, aggravated by polemical discussions, which might have appeared difficult to remove. Both the German and the French representatives, however, attacked these problems resolutely in a spirit of conciliation and compromise, and I may say that, in the light of the explanations given by both parties, these misunderstandings were gradually dispelled, until at length an agreement was reached between us which it was thought would be confirmed by the Assembly and Council,—the admission of Germany into the League and the satisfaction of her legitimate desire.

This agreement was not reached without certain sacrifices, to which Sir Austen Chamberlain has just paid a tribute. I desire to endorse what he has said. The Members of the League are imbued with the League spirit—a spirit of conciliation and peace.

When means had to be found to attain the end for which this special Assembly was summoned, a spirit of generosity and self-sacrifice, to which fitting reference has already been made, was at once displayed to smoothe away difficulties. My colleagues M. Undén and M. Benes, representatives of two countries which have already rendered signal service to the League, at once came forward, and, thanks to their unselfishness, final agreement appeared to have been reached. All that was needed was the confirmation of that agreement.

Owing, however, to difficulties, upon which it is not for us to pass judgment—difficulties based on considerations and principles which the League traditionally respects—we now find the path to agreement blocked. I cannot believe that because of this fact, regrettable though it may be, we need give up all hope. It has not produced the disastrous results which might have been anticipated. It has been contemplated by the principal parties concerned with exemplary equanimity—and in saying that I desire to express my appreciation of their attitude. It showed us that we might after all have to postpone the fulfilment of our hopes, but not that they were finally destroyed.

I am convinced, profoundly convinced, that we shall emerge from this difficult situation without having impaired the work of peace which we have jointly accomplished and without harm to this great Assembly—to this League of Nations, which has already rendered such great service to the world.

I already hear criticisms of the League eagerly uttered by those pessimists and sceptics who cannot bear to see it growing year by year in strength, nobility and splendour; I hear them proclaiming disaster and final ruin.

Gentlemen, it has often been said that I am an incurable optimist. I confess that I am. Even amid the difficulties with which we are confronted, even in the grave circumstances in which we find ourselves—circumstances which have brought about a postponement veritably distressing for us all—I say that the League of Nations remains untouched.

It has already rendered mankind too many services, its achievements are too great and too glorious, to be marred by mere passing events which are rather in the nature of growing pains and can leave no lasting injury.

When we glance at the work that is behind us, when we consider the serious conflicts which were brought before the League and which it settled, thereby perhaps preventing still graver and more deadly conflicts, we may justly point to such a record and say that the League can meet transient difficulties, however serious, in the certainty of solving them.

It is in this spirit that I regard the difficulties which face us at the present moment.

As the representative of France, I may say frankly that I feel more deeply than anyone else the turn that events have taken. I am more grieved than anyone that Germany cannot at this Assembly become one of us and work on the Council with us.

France and Germany, in common with five other great nations, have signed a loyal and sincere pact of peace. We know that it cannot become wholly effective, that it cannot develop to the full, except under the ægis of the League of Nations. To the League, therefore, we have entrusted it. In the League, through the League, it will come to fruition, for the League provides the atmosphere favourable to the settlement of all the acrimonious disputes which may arise between two nations that appear in the bloodstained pages of their history so frequently arrayed against each other on the battlefield.

Only in the peculiarly serene atmosphere of the League, of which I was so profoundly conscious when, as President of the Council, I was called upon in difficult circumstances to settle a dispute—only in this atmosphere of peace and strength, which leaves its mark on us all, can an agreement such as ours come into being and attain its ends.

It is therefore a profound disappointment to me, who put my whole heart into this work, to find that it cannot yet receive the final consecration which we had planned.

The League of Nations was born of an idea, lofty indeed, yet, it must be owned, somewhat narrow. Through the course of events it came about that, though aided and encouraged by the peoples of the world—for it has struck its main roots among the peoples and has grown strong through them—the League was received by those who are termed the elect with a scepticism

which would certainly never have warmed it into life.

The higher instinct of the peoples, their horror of war, their desire to find an organisation that would ensure peace—this it was that gave birth to the League and brought it to the prominent position it occupies in the world to-day.

The League has grown. From all quarters of the world the peoples have turned to it; social problems, the settlement of disputes, have been referred to it; it has been appointed as arbitrator, it has been nominated as the proper body to take humanitarian endeavours under its protection; an ever-growing number of serious and complex problems have been referred to it.

And now its duties have outgrown its constitution. It is beginning to encounter difficulties which it cannot solve, and for the sake of its future the causes of this powerlessness must be removed.

For this purpose we must attack the problem of reform. It will be a difficult and complex task, for we must go down to the fundamental principles upon which the League was originally based. We must act prudently so that we destroy nothing, but we must achieve something. We must take to heart the lesson taught us by present experience.

It is inconceivable that we should be unable to solve a problem such as the one now before us, or that a great organisation like the League should again suffer such a humiliating paralysis.

We must therefore turn our thoughts to the future and, far from being discouraged by this experience, we must draw from it strength to reform and rebuild, and we must reaffirm still more strongly our faith in the future of the League.

Turning to Germany, I feel bound to say that, in spite of all, her representatives have met the difficulties which have arisen with a certain serenity of spirit and with true generosity, to which I, a Frenchman, desire to pay tribute.

Far from being disheartened, far from feeling any bitterness of ill-will, they have from the outset seen the difficulty in its true light. They said : It is inconceivable that an obstacle of this kind, which after all merely postpones the ultimate settlement of these problems, should endanger the spirit of peace in which we jointly signed the Pact of Locarno.

They at once joined with us in proclaiming before the world that this work of peace remains untouched, that it is still intact, that it will live on and develop; and we have unhesitatingly given our signature to that noble declaration of which—I acknowledge it and congratulate them upon it—they were the originators.

But it is essential that in the near future they should join us and take the place rightfully due to a great nation like Germany. Germany will understand that equality is the essence of the League spirit; that antagonisms between nation and nation cannot be countenanced, that the individual is merged in the collectivity,

for equality is the motto inscribed upon the charter of our brotherhood.

Germany will understand this, and to-morrow the difficulties of to-day will be overcome if we set our hearts and minds to accomplish the work of reconstruction of which I have spoken.

Yet this Assembly must not disperse without a message to Germany. It is essential that she should realise our profound disappointment at our failure to accomplish all that we had hoped. It is essential that the Assembly should close with a moral admission, as it were, in anticipation of the actual realisation of our hopes. Accordingly, as delegate of France, I venture to submit to you the following draft recommendation :

“ The Assembly :

“ Regrets that the difficulties encountered have prevented the attainment of the purpose for which it was convened,

“ And expresses the hope that between now and the ordinary September session of 1926 these difficulties may be surmounted so as to make it possible for Germany to enter the League of Nations on that occasion.”

THE PRESIDENT. — *Translation* : The first delegate of France has submitted a recommendation for adoption by the Assembly. I will ask the Assembly to take a decision on this recommendation after the close of the general discussion.

Viscount Ishii, first delegate of Japan, will address

the Assembly as Acting President of the Council of the League.

VISCOUNT ISHII (Japan), Acting President of the League :

Translation : Mr. President, ladies and gentlemen—After the eloquent words of the distinguished speakers who have preceded me, I need not dwell upon the deep regret I feel at the postponement of the admission of Germany to the League or upon my profound admiration and gratitude for the chivalrous and Bushido-like action of my two colleagues of Sweden and Czechoslovakia.

I will merely say that the Japanese delegation desires to associate itself fully with the tribute paid to M. Undén and M. Benes and to the two countries which these distinguished colleagues represent.

The Japanese delegation also wholeheartedly seconds the recommendation which the first delegate of France has just submitted to you.

As President of the Council, I think I should inform the Assembly that I shall submit to my colleagues on the Council—and I am sure they will give it their approval—the proposal that before the end of the present session the Council should appoint a committee to study the composition of the Council and the number and mode of election of its members. This Committee will be asked to issue its report in time to enable the Members of the League to consider it before the opening of the ordinary session of the Assembly in September 1926. The terms of reference and composition of this

Committee will be decided upon by the Council during its present session.

THE PRESIDENT. — *Translation* : M. Undén, first delegate of Sweden, will address the Assembly.

M. UNDÉN (Sweden). — *Translation* : Gentlemen—This Assembly was summoned for the purpose of admitting Germany to the League of Nations. All friends of the League had for a long time ardently desired to see Germany within its fold. Her admission, it was held, would mark a great step forward. It would mean the beginning of a new era in the life of the League; it represented the first stage towards universality—a condition which is essential to enable the League to accomplish its lofty mission : the preservation of peace. We are therefore profoundly disappointed to find that Germany cannot at once be admitted to the League.

The sole object of this special Assembly was to admit Germany to the League with a permanent seat on the Council. Unfortunately, her admission was brought into relation with other and irrelevant issues. National claims were advanced in various quarters; individual interests came into conflict with the general interest, the common good of the League.

In order to surmount the difficulties raised by these new questions, great efforts were made and arduous negotiations took place.

To our profound regret we have to admit that these efforts and negotiations have produced no positive

result and that it has been found impossible to reach a solution compatible with the fundamental principles which underlie the constitution and organisation of the League.

Nevertheless, however keen our present disappointment, we must still hope—as M. Briand has urged—that the League, in a broader and more universal spirit, will shortly admit Germany to its ranks.

THE PRESIDENT. — *Translation* : M. Caballero, first delegate of Paraguay, will address the Assembly.

M. CABALLERO (Paraguay). — *Translation* : Mr. President, ladies and gentlemen—As Vice-President of this Assembly, I have been asked to make the following statement :

I desire, on behalf of the delegations of Chile, Colombia, Cuba, Guatemala, Nicaragua, Paraguay, the Dominican Republic, Salvador, Uruguay and Venezuela, to express profound regret that this Assembly should be obliged to adjourn without having completed its agenda.

The American delegations which I have named have only followed on this occasion their traditional policy of conciliation, of pacification and friendly collaboration in the permanent interests of universal peace and of all that can contribute towards the true and lasting reconciliation of the peoples of Europe, which is essential to the peace of the world.

These delegations have given fresh proof of this spirit during the course of the present Assembly by the una-

nimous decisions they have forwarded to the head of the Brazilian delegation, in the hope of obtaining unanimity in the Council.

I would ask your permission to read the text of the decision taken on Tuesday morning by the American delegations present at this special session of the Assembly of the League :

" The American delegations present at the special session of the Assembly of the League of Nations, having exchanged their views in a spirit of the utmost cordiality and solidarity, and, having heard the information which M. Guani and M. de Mello-Franco, members of the Council, have been good enough to give them, have decided as follows :

" The American delegations, conscious of the gravity of the League's present situation, regardful of the interests of world peace, and realising how essential it is that the American States should exert their influence to bring about the reconciliation of the peoples of Europe, desire to express to His Excellency M. de Mello-Franco the hope that Brazil will take such steps as she may consider most opportune to bring about unanimity in the Council and so remove the difficulties which stand in the way of its decision. "

I desire to add, on behalf of the delegations I have named, that we associate ourselves with the proposal put forward by M. Briand.

THE PRESIDENT. — *Translation* : M. Motta, first delegation of Switzerland, will address the Assembly.

M. MOTTA (Switzerland). — *Translation* : Mr. President, ladies and gentlemen. It is with profound emotion that I mount this platform. That phrase is constantly on the lips of public speakers, but to-day the emotion I feel is very real and is shared, I know, by all the delegates in this Assembly. The words I have heard during this morning's debate, however, have somewhat reassured me. I might perhaps have indulged in recriminations—and I should have been wrong. After the noble declarations we have heard from most of the speakers who have preceded me, this is no longer the time for recriminations.

We were summoned to this special session of the Assembly for one purpose : the admission of Germany to the League of Nations. Everyone knew that this admission also meant that she would be given a permanent seat on the Council.

The First Committee of this Assembly unanimously accepted the German Government's proposal ; no objection was raised, as that request was held to be legitimate and in order.

I know that many difficulties had arisen, but they had all been removed except one. It is not for me to make a formal complaint or to seek, however remotely, to bring pressure to bear on behalf of the delegations who are met here. I know that all the States are equal before the law and are equally possessed of sovereign rights.

I had hoped—this I will say—that the vision of stricken, bleeding Europe, ready at last to extend the

hand of reconciliation, would have touched all hearts. I had hoped that that great and noble country which has contributed so much to the promotion of international justice and arbitration would have lent its aid to bring about reconciliation in Europe. It was not to be. I will not offer any criticism now. Let me assure the Council, however, that, if the Assembly had been asked to second it in its difficult task, the Council would have found the Assembly unanimous to help to overcome the difficulty. If the Assembly is really to represent public opinion, it must be placed in a position to carry out this essential duty.

I was wondering a few minutes ago whether, from the point of view of form, the proper procedure would not have been for us to refer back to the First Committee, which had unanimously arrived at a favourable conclusion, this problem which has to-day proved so hard to solve. I do not propose, however, to raise this question of procedure, as it seems to me petty and indeed paltry in comparison with the gravity and complexity of the present situation. Nevertheless, the Council can count to-day, and may safely count in the future, on the support of the whole Assembly.

I desire to add my tribute of respect to Sweden and Czechoslovakia, and to the Governments of both those countries. I wish also to pay special tribute to the British Government and to that of France. If there is one glowing record of this Assembly which will remain, if there is one gesture the memory of which will be graven in our hearts, it is that of M. Aristide Briand,

who on this occasion truly deserves to be hailed as wise and just. M. Briand has recognised the serene spirit in which the delegates of Germany awaited the decision and realised the necessity for the adjournment of their admission to the League. I wish to emphasise the significance of this act. It is my earnest hope that at the autumn session of the Assembly Germany may be admitted to the League and may obtain the permanent seat on the Council to which she is entitled, and that, thanks to a spirit of justice and conciliation on all sides, all the present difficulties will be removed. With that hope I leave the platform.

The crisis through which we are passing is a grave one. If the League successfully emerges from it, it will have given proof of its vitality. I trust that this will be so. If this crisis, which I hope will be safely in the cry of despair, anger and indignation, which League, the noise of that downfall would be drowned in the cry of despair, anger and indignation which would arise from all peoples.

THE PRESIDENT. — *Translation* : M. Loudon, first delegate of the Netherlands, will address the Assembly.

M. LOUDON (Netherlands). — *Translation* : Mr. President, ladies and gentlemen—My purpose in speaking now is not to offer opposition to the proposal so eloquently voiced by the first delegate of France. I desire, on the contrary, to give that proposal my cordial support.

As a member of this Assembly, however, I feel it my

duty to express the consternation which we all felt yesterday on learning that the question which we had been summoned to Geneva to decide was not settled and that the decision was to be adjourned until September.

For ten days the Assembly had been awaiting a solution with growing impatience. At the beginning of this session it instructed its First Committee to examine Germany's request for admission. That request, however, although unanimously approved by the Committee, could not be complied with, because the members of the Council were unable to agree as to the allocation of the permanent seat which had been promised to Germany.

For ten days the members of the Council have been trying, by means of private and unofficial conversations—fragments of which have reached the various delegations—to arrive at an agreement, but alas! the spirit which ought to govern the League, the spirit which places the welfare of the community before the *amour-propre* of each of its Members, has not prevailed. Certain of those Members, however, while in no way departing from the principles they advocated, have displayed a spirit of disinterestedness to which it behoves us to pay—and by your applause you have already paid—a heartfelt tribute.

Is it surprising that the delegations of the forty-eight nations which were summoned here to decide a question of vital importance to the League should have shown impatience, followed by profound dissatisfaction, on finding that the object for which they had met

had not been attained? As M. Motta very rightly says, we all know that the Assembly would have given its unanimous support to Germany's request for admission to the League.

Does this failure to find a solution for the burning question now before us mean the downfall of the League? No, a thousand times no! I fear that in the eyes of the general public and of sceptics the League will, for some time to come, have lost something of its glory and even of its prestige. But to those who care to think, who see and understand the work it has done in the seven short years of its existence, to Governments and men who realise that a number of disputes—most of which, it is true, though by no means all, were bloodless—have been settled through its intervention, to those who recognise its success in bringing about the financial restoration of certain countries, the League, as M. Briand has so truly pointed out, has given incontestable proof of its power to live, and difficulties such as those with which we are faced to-day are but of minor importance. At the same time, whether of minor importance or not, these questions have, in the eyes of the masses—who are still sceptical as to the work which is being accomplished by the League in furtherance of world peace—a significance of which we must never lose sight. The more the Council is criticised, the more the public shrugs its shoulders—with a smile of compassion, perhaps—the more clearly does it become our duty to restore a prestige which has suffered so rude a shock.

What we ask of the Council, therefore, is that, since adjournment has been found necessary, the Council will neglect no steps to have the forthcoming discussion next September fully prepared in advance in order that there may be no risk of a fresh setback, which would be unpardonable—perhaps even fatal.

We ask the Council to use the utmost impartiality in choosing the members of the Committee of Enquiry of which His Excellency Viscount Ishii has just spoken ; we ask that there shall be entire freedom from political considerations, that the Assembly, and not the Council alone, shall be largely represented, and, I repeat, that the *amour-propre* of individual States shall not be allowed to play a dominant part.

Only in this way will our resolution of adjournment be accepted with confidence by public opinion. If M. Léon Bourgeois—that great Frenchman to whose memory we paid a tribute a few days ago, and who, better than anyone, personified the spirit of the League—were still among us, he would, I think, say what I am now saying. Let us act as he would have acted. I make an urgent appeal to the Council. Our honour—the very future of the League—is at stake.

THE PRESIDENT. — *Translation* : Dr. Nansen, delegate of Norway, will address the Assembly.

Dr. NANSEN (Norway). — Mr. President, ladies and gentlemen—We know that the eyes of the world are anxiously turned towards Geneva at this moment. The resolutions which we are taking here are of very great

importance for the whole future of the League and of the world. Unfortunately, questions have arisen which are of such difficulty that it has been proposed that we shall adjourn our meeting, and that the decision for which we hoped shall be postponed until September. Let us hope that that adjournment is really only a postponement and that in September Germany will come into the League with all the honours of a Great Power and with a permanent seat on the Council.

We also know, however, that, having met here for the one purpose of admitting Germany, and not having succeeded in doing so during our time here, we are exposed to criticism throughout the world. I am afraid, as M. Loudon has said, that the League may have lost or may lose some of its prestige on account of what has happened, but it should be said here—and the attention of the world ought to be drawn to the fact—that, under the circumstances, owing to recent developments and to the difficulties that unexpectedly arose, the machinery of the League has not been used at all, and therefore the League itself cannot be blamed for what has happened. The machinery of the League did not even begin to work ; no use has been made of it. What has happened is that there have been private conversations. There has been no meeting of the Council and no meeting of the Assembly to discuss the question. No record at all has been kept for the future of what happened in Geneva in March 1926.

I think that public opinion throughout the world should appreciate this fact and should realise that the

methods of the League cannot be blamed. We who have worked in the League for many years know its methods and know them to be efficient and good, and we hope that recent happenings will not damage too much what has been built up in past years.

It has been proposed that the Council should appoint a Committee to consider the composition of the Council. I realise—and I think we all realise—that there are very complicated questions which have to be studied carefully before any important decisions are taken in this matter. As, however, this is such a very important question for the League, I venture to propose to the Council that the Committee should include as many impartial members as possible, representing the different views of the Assembly and of the League of Nations. I think that this point is of the very greatest importance in view of what will happen in September, when the League meets again.

Let me close my speech by saying that I am sure we are all willing to co-operate to the utmost of our power and ability in seeking a happy solution of the difficulty which has arisen, and we all look forward to the future success of the undertaking which has been begun here but which unfortunately has had to be postponed. We all hope sincerely that no new difficulties will be placed in the way of the entry of Germany into the League and her permanent seat on the Council.

THE PRESIDENT. — *Translation* : M. Piip, the first delegate of Esthonia, will address the Assembly.

M. PIIP (Esthonia). — Ladies and gentlemen—The Esthonian delegation regrets very much that the main object of this Assembly has not been attained and that Germany has not been admitted into the League and is not yet a permanent member of the Council.

When my Government instructed our delegation to vote in favour of both these matters, we considered that the entry of Germany into the League meant a further stabilisation of peace in general and particularly in Eastern Europe, as we also hope that some day we may have the pleasure of welcoming here another great European Power which is still outside the League.

Very fortunately, the question of the admission of Germany is only postponed. The Esthonian delegation hopes that by the time of the meeting of the Assembly in September all those difficulties of procedure that have made the efforts of this Assembly fruitless will be eliminated.

It is evident that the present construction of the organs of the League and its present procedure are not sufficiently elastic to carry out the unanimous wish of the Members of the League as expressed in the First Committee, especially as the difficulty arose on the part of a member of the Council elected by the Assembly, which procedure seems to us quite abnormal. We therefore welcome and heartily support the proposal of the Council, referred to by Viscount Ishii, for an examination of the League machinery with a view to removing existing defects and establishing an effective *modus vivendi* for the election of the members of the Council.

We consider that the League of Nations is of such importance for the peace and welfare of humanity that minor defects ought not to endanger its work. Up to the present, all the decisions of the League of Nations have been carried out by all States practically without exception, and there is no doubt that the League has sufficient internal power to overcome the present temporary difficulties.

The great declarations made by Sir Austen Chamberlain and M. Aristide Briand, and the great and noble sacrifice of Sweden and Czechoslovakia, are the best guarantees of the vitality of this great organisation for peace which has been the dream of humanity for centuries. Fortunately, this crisis is in our opinion, not a crisis of the League of Nations but only a crisis of procedure.

THE PRESIDENT. — *Translation* : His Excellency M. Chao-Hsin Chu, first delegate of China, will address the Assembly.

M. CHAO-HSIN CHU (China). — Ladies and gentlemen—I am asking for permission to speak at this critical moment, but I can assure you that I am not going to add more difficulties to this controversial subject which the Assembly has been discussing.

What I have to say is this : in order to make the League a more successful organisation for international usefulness, two wrong conceptions should be corrected. In the first place, people nowadays generally recognise a Power by reason of its military strength. This is a

wrong conception. From my humble point of view, in considering a nation as a great Power we should take into account solely its economic potentialities and geographical position. If we still take a narrow-minded point of view and consider a Power as a military Power, it will tend to encourage military preparations. Such encouragement will, in the long run, endanger the peace of the world. We should form an international public opinion which would entirely discourage and look down on militarism. It is our duty, Gentlemen, for the sake of humanity, to work out, without further delay, a practical programme of general disarmament and mutual security in order to save world civilisation from being once more ruined.

Another wrong conception of the League which people generally take is that the League is dominated by European affairs. We all admit that European affairs nowadays seem more vital to the peace of the world, but we, as Members of the League, should not forget that the League is a League of the whole world and has to fulfil a world-wide expectation. The League should be in no wise dominated by European politics. It should have its eye on all parts of the world and we should encourage all nations to take an equal part in the great work of its international organisation.

In conclusion, I wish to support the proposal just put forward by M. Loudon, the first delegate of the Netherlands, that the Council should appoint an absolutely impartial committee to consider the whole question of the enlargement and composition of the Council. Fur-

thermore, let me urge that in the allocation of seats on the Council the Committee should pay full attention to the geographical principle which has been emphasised by the Chinese delegation and reaffirmed annually by the previous Assemblies.

THE PRESIDENT. — *Translation* : M. Comnène, delegate of Roumania, will address the Assembly.

M. COMNÈNE (Roumania). — *Translation* : On learning late on Monday, March 15th, of what was expected, during the present Assembly, of the member of the Council representing the Little Entente, the Roumanian delegation immediately did all in its power to evince its sense of international responsibility in regard to the solution of the grave problems which had arisen.

We desire, therefore, to proclaim that Roumania, conscious not only of her rights but of her duties, gladly undertook her part, side by side with her Czechoslovak and Serb-Croat-Slovene allies, in the great work of peace which we had hoped to consummate.

The Roumanian delegation takes this opportunity of urging that new methods, more democratic in character and more in keeping with the spirit of modern times, should be adopted to enable the League, in the wider interests of humanity, to develop smoothly.

The Roumanian delegation believes that, by dint of combined effort and by the manifestation of that spirit of conciliation which is the very essence of the League, it will become possible for Germany to take the place in the League and on the Council which is her due.

THE PRESIDENT. — *Translation* : M. Zahle, first delegate of Denmark, will address the Assembly.

M. ZAHLE (Denmark). — *Translation* : Mr. President, Ladies and Gentlemen—I shall be very brief. After the eloquent words uttered from this platform by those of my colleagues who have already spoken, there is very little for me to add.

I desire, on behalf of my country, to associate myself wholeheartedly with the expressions of dismay and regret, and also of hope, which have been voiced in this Assembly. I desire also to second the remarks of the Netherlands delegate concerning the constitution of the committee suggested by the Council. I venture to emphasise the desirability of including on that committee a number of representatives of States which are not members of the Council.

I specially appreciated the few words uttered by M. Motta. With his characteristic wisdom he advised us to make no effort at this juncture to apportion responsibility for the present state of affairs. I entirely agree. It is clear that the time has not yet come to fix this responsibility, but it is only right to proclaim from this platform that at any rate that responsibility does not rest upon the Assembly.

THE PRESIDENT. — *Translation* : M. Mehdi Frasheri, Delegate of Albania, will address the Assembly.

M. MEHDI FRASHERI (Albania). — *Translation* : Mr. President, ladies and gentlemen—After having

heard the utterances of so many distinguished statesmen, I have no intention of making a speech myself. I think, however, that every member of the Assembly has the right to express an opinion on the question under discussion : namely, whether we are competent to take a decision immediately or whether we must adjourn it to the meeting of the Assembly in September.

With your permission I propose to present the question from a somewhat different standpoint from that adopted by previous speakers.

The Council is, as you know, composed of two kinds of members : the permanent and the non-permanent. The non-permanent members receive their mandate from the Assembly and not from their own Governments.

If, as the result of the action of a non-permanent member, the Council failed to reach agreement in a question which did not directly affect the interests of the League and the Assembly, but only those of the country which that member represented, the position would be quite different : the non-permanent members of the Council, not having received a direct mandate, would be free to express their individual convictions. When, however, a non-permanent member of the Council opposes the settlement of a question directly affecting the interests of the League—a question for the specific settlement of which a special session of the Assembly has been convened—the Assembly, in virtue of its sovereign powers, possesses full competence to take an immediate decision.

I beg to propose, therefore, that you declare that the Assembly, in virtue of this sovereignty, is entitled, despite the opposition of one of the non-permanent members of the Council, to give a final decision on the admission of Germany to the League and the allocation to Germany of a seat on the Council.

THE PRESIDENT. — *Translation* : As no one else has asked to speak, I declare the general discussion closed (1).

I invite the Assembly to vote on the proposal submitted by M. Briand, first delegate of France, which reads as follows :

The Assembly,

Regrets that the difficulties encountered have prevented the attainment of the purpose for which it was convened,

And expresses the hope that, between now and the ordinary September session of 1926, these difficulties may be surmounted so as to make it possible for Germany to enter the League of Nations on that occasion.

If there is no opposition, I shall consider that the Assembly has unanimously adopted the proposal made by the first delegate of France and agrees to postpone until its ordinary session in September the consideration of the report of our First Committee on the request of Germany for admission to the League. (*Assent.*)

ANNEX II

**Minutes of the
Fortieth session of the Council.**

MINUTES

OF THE

FORTIETH SESSION OF THE COUNCIL

*Held at Geneva from Monday, June 7th, to Thursday,
June 10th, 1926.*

The Members of the Council of the League of Nations
were represented as follows :

Uruguay : M. Alberto GUANI (*President*);

Belgium : M. Emile VANDERVELDE;

Substitute : M. Joseph MÉLOT;

Brazil : M. Afranio DE MELLO-FRANCO;

British Empire : Sir Austen CHAMBERLAIN;

Czechoslovakia : M. Eduard BENEŠ;

France : M. Aristide BRIAND;

Substitute : M. PAUL-BONCOUR;

Italy : M. Vittorio SCIALOJA;

Japan : Viscount ISHII;

Spain : M. QUER BOULE¹;

Sweden : M. A. E. M. SJÖBORG.

Secretary-General : Sir Eric DRUMMOND.

1. M. Quer Boule, representative of Spain, took no part in any
votes or decisions taken by the Council during the session.

CO-OPERATION OF BRAZIL IN THE WORK OF THE COUNCIL :
STATEMENT BY THE BRAZILIAN REPRESENTATIVE.

M. DE MELLO-FRANCO spoke as follows :

The Peace Conference, when setting up, during its meeting of January 20th, 1919, a Commission to study the constitution of a League of Nations, decided that this Commission should be composed of two representatives of each of the great Powers and five representatives of the countries described as Powers with special interests.

The representatives of these latter Powers, meeting of January 27th, 1919, resolved : 1° That Belgium, Brazil, China, Portugal and Serbia should appoint delegates, each of these countries having one member, to represent them on the Commission above described; 2° to ask the Supreme Council (consisting of the heads of Governments and Ministers for Foreign Affairs) to give to the four States, Greece, Poland, Roumania and Czechoslovakia, the option of appointing a substitute delegate.

Such were the circumstances in which the co-operation of Brazil in the League of Nations began, this co-operation deriving its origin from the very source from which the Geneva Organisation proceeded.

Brazil, having participated in the work of the Commission appointed to frame the constitution and determine the competence of the League, was appointed, on the proposal of President Wilson, which was approved by the Supreme Council during its meeting held on

April 28th, 1919, with Belgium, Spain and Greece as one of the four Members of the League entitled to sit on the Council side by side with the great Powers, in conformity with Article 4 of the Covenant, up to the moment when the future Assembly would proceed to the election of the non-permanent Members.

This position was confirmed by the first Assembly, and subsequently by the five succeeding Assemblies, and Brazil has always endeavoured, in the exercise of the difficult mission imposed on it by the confidence of the associated nations, not to depart, by even a single line, from the letter of the Covenant and scrupulously to obey the principles of justice, the ideals of fraternity and peace, and the good doctrine of international law. These principles, these ideals and this doctrine had been invariably followed by Brazil in its international life during a century of independent existence.

From the initial stage of its co-operation in the work of the Commission instructed to study the scheme for the creation of the League of Nations, Brazil, through its representative, President Epitacio Pessoa, defended the thesis of equality of treatment between the great and small Powers in regard to the composition of the Council.

The international political evolution which had not ceased as a consequence of the creation of the League of Nations; the development of the legal construction of the Covenant; the gradual substitution of a mentality arising from a state of war by another mentality more consonant with a state of peace; the abandon-

ment of the militarist conception of a great Power, and the radical change of this obsolete conception into another more in conformity with the idea of the universality of economic interests and the principle of solidarity and the interdependence of States; the increase in the number of the Members of the League of Nations, a membership which had risen from the original thirty-two States to the fifty-five States at present associated in the League—all these factors constituted an unanswerable body of arguments which have led Brazil to the conviction that it was just and necessary to proceed to a reorganisation of the Council of the League of Nations, based on the principle of equality of treatment between the continents and taking account of the fact that the States of America formed one-third of the total number of the Members of the League.

For these reasons, Brazil had recently taken up again the thesis which had been defended by its representative on the Commission instructed to frame the Covenant.

The Council, as had been said by the delegate of Brazil on the Commission for the League of Nations, should have a single origin. If, however, owing to circumstances which continued to exist, it was still necessary to maintain a distinction between permanent and non-permanent Members, it must be recognised how odious becomes the exclusion of America from representation, by one of its States, in the permanent framework of the Council, in view of the fact that the privilege of such a representation is accorded to the other continents.

It is not desirable to discuss now this thesis, which is based, when examined dispassionately and without prejudice, on the very foundations of justice and on indisputable arguments inherent in the most essential principles of the League of Nations and the structure of its various bodies. If there are problems which more particularly concern Europe and in the solution of which the States of the Continent of Europe have a common interest, it cannot be denied that there exist also in America special rules of continental policy, a special organisation composed of the American States, a closer co-operation of the interests which they have in common, a union of sister Republics, assured by more intimate bonds than those of a mere concert between Powers, and, lastly, a doctrine the existence of which has been recognised by Article 21 of the Covenant.

Without in any way opposing the idea of the unity and universality of international law, it is necessary not to lose sight of the fact that, politically, the separation of the continents is a reality, and that there exist, in respect of the conditions proper to each of them, legal rules having a character which is more continental than universal.

In establishing the Statute of the Permanent Court of International Justice at The Hague, the Assembly of the League of Nations took into account, in choosing the judges, the representation of the principal legal systems of the world. Similarly, the International Conference on Freedom of Communications and Transit

held at Barcelona under the auspices of the League explicitly recognised continental and regional distinctions so far as the regulation of transit and the navigation of waterways of international interest were concerned.

It is not proposed here, as has been said, to discuss the thesis that it is necessary for the League of Nations to take into consideration the differences resulting from the historical, geographical and economic conditions of the various continents with a view to their permanent representation on the Council. It is, nevertheless, very desirable to re-establish the truth regarding the character and form of the claim put forward in this connection by Brazil, as there have been many errors in the interpretation of the Brazilian case.

The object of our request was not the creation of a specially privileged position for Brazil but that it should be recognised that the American continent also had the right, together with the other continents, to be permanently represented on the Council. Europe is permanently represented by three States, and as a result of the forthcoming admission of Germany this representation would be raised to four States. Asia also, with five States in the League, had a permanent representative. Africa, with three States, and Oceania, with two States in the League, were also represented, since the Dominions, also Members of the League of Nations and having all the rights and obligations arising out of the Covenant, constitute, as is known, an integral part of the political system of the British Empire.

On the other hand, the Ibero-American States, to the number of seventeen—not including Ecuador, which has not yet ratified the Treaty of Versailles and had not been represented at any Assembly, nor Costa Rica, which has already notified the Secretariat of the League of her withdrawal, nor Mexico, which has not yet asked for admission—have not been granted any permanent place on the Council.

Brazil has never claimed the right to represent the other American States on the Council, nor would such a representation be possible, seeing that the States Members of the Council are not political representatives of the other States of the continent of which they form a part.

On the other hand, it is impossible to dispute the right of Brazil to formulate a claim founded on continental considerations, as this right springs from the community of interests, from which it follows that each of the associated parties is at liberty to ask for the necessary legal protection of the above interests.

Brazil has no need of a mandate on the part of the other States of the American Continent to place her in a position to maintain a right which she possesses in common with them all.

This impersonal claim must not in any way be confused with the legitimate aspiration of Brazil to have her own candidature for the Council examined on a footing of equality with that of any other American State when the Council would be called upon to appoint, under Article 4 of the Covenant, the State

which would have to occupy the permanent place thus created for America.

The Council, in the exercise of its right to appoint the State chosen to occupy the permanent seat which may possibly be created, would automatically have to examine the claims of Brazil to such a seat in the same way as the claims of the other American States Members of the League of Nations, and in this way Brazil would not even need specially to bring forward her candidature.

It is necessary, therefore, to sweep away all ambiguities and to affirm categorically that the object of the Brazilian claim was essentially continental in character, based on the *co-imperium* of the territory of which Brazil is a portion and on the indissolubility of certain interests, without there being any question of a political representation of the other States of the continent. If the justice of the cause defended by Brazil had been recognised, Brazil hoped that the Members of the Council would impartially examine the problem of the choice of the new permanent Member and that they would make an appointment which would be most advantageous to the interests of the League of Nations.

The Committee appointed to study the reform of the composition of the Council has already recognised in part the American claim and has contemplated, by a unanimous vote, the granting to America of three non-permanent seats.

Nevertheless, the principal question, which was the

question of the permanent seats, has been postponed to a later session convened for June 28th, 1926.

From the moment when the constitution of this Committee had been determined by the Council, the Federal Government of Brazil decided to decline the distinction repeatedly conferred upon her of occupying the temporary seat on the Council which she has held for seven years. Brazil, however, had not wished to carry out this decision before the close of the last quarterly session of the Council preceding the ordinary session of the Assembly. She was anxious to avoid giving rise by her resignation to any difficulty concerning the interpretation of Article 5 of the Covenant.

In order that the Council may meet, the presence of all the representatives of its Members is not necessary; but, deprived of the presence of one of the States Members either owing to resignation or owing to a final severance from the League of Nations, the Council cannot take any decision or any action within its competence.

Brazil, bearing in mind that its decision before the end of the June session might interfere with the work of the Council, has resolved to postpone it until a time when it cannot affect the work of the League of Nations, in view of the fact that the next session will coincide with the ordinary meeting of the Assembly, which will consequently be able to provide for the vacant seat without delay.

The Brazilian Government has decided to decline at the present session of the Council the honour which the confidence of the six previous Assemblies has

renewed towards our country, and to await the final decision of the Committee called upon to study the reorganisation of the Council, in so far as the principal part of the request made by Brazil with a view to the permanent representation of America on the Council is concerned.

The statements made by some of the eminent representatives of the States Members of the Council in the course of the deliberations of this Committee already clearly indicate the fate of the claim which we desire to have the right to formulate in our capacity as an integral part of America. We are, however, disposed to await the final result of the second session of the Committee convened, in the first instance, for the 28th instant. The recent decision of the Council to postpone this session *sine die* makes it impossible to attain the end intended by the resolution adopted by the Council on March 18th last, stipulating that special attention be devoted to requests so far made by any Member of the League of Nations whatever, and laying down that the report of the said Committee should, as soon as possible, be communicated for the information of all Governments, so that these Governments might have the necessary time to formulate their observations and present them at the next Assembly in September.

Such a postponement, added to the feeling of conviction resulting from the statements made in the course of the discussions of the Committee appointed by the Council, makes us fear that the question of the increase

in the number of the permanent seats will not be further examined. Such a solution would simply amount, in fact, to the rejection of the Brazilian case.

It is with the deepest emotion that, in conformity with the instructions of His Excellency the President of the Brazilian Republic, I have the honour to hand to the Secretary-General the document containing the statement that the Brazilian Government has sent me by telegram (Annex 893).

As an indirect result of its adherence to the basic principles of the League of Nations and of its devotion to the interests of the great continent of which it forms part, Brazil, in the full knowledge of having always done its duty, therefore declines the great honour paid to it by friendly nations, and seeks by its sacrifice to lighten the difficult and serious task of solving the problem which arose as early as the first Assembly and has been discussed since 1922, when the resolution dated September 25th, adopted by the third Assembly, and raising the number of non-permanent seats from four to six, left in suspense the question of the number of permanent seats.

In begging the Council to act towards the Assembly as an interpreter of Brazil's deep thanks for the noble and important mission that has been accorded to her since 1920, Brazil cherished the hope that the nations which have been associated in accordance with the terms of the Covenant would do her the justice of recognising the legitimacy of the imperative reasons for her decision

For myself, obscure co-operator in the work of the Council since the month of September 1923, I wish here to record my deepest respect and esteem for the eminent statesmen who now represent the Members of the Council, and towards all who, now absent, have been entrusted during this period with that representation.

I shall always retain an undying memory of my dealings with everyone and of the good fortune and honour which have been mine in sitting on the Council as representative of my country.

To the Secretary-General, Sir Eric Drummond, I offer warm thanks for the loyal and efficient assistance that he has given to me throughout the whole period of my office, and I beg that he will be good enough to convey my thanks to the Under-Secretaries-General and to the whole staff of the Secretariat.

The PRESIDENT spoke as follows :

I ask your pardon for speaking immediately and before inviting my colleagues to do so. I have very special reasons which oblige me to take this course. I have the honour of being, like my colleague M. de Mello-Franco, the representative of a South American country with a seat on the Council. You will certainly all realise the sadness and surprise which I felt on hearing the statement of my colleague, the representative of Brazil.

There are yet other reasons which have induced me to express my feelings at once. Brazil, which is a friend and neighbour of my own country, occupies in

South America a position of the highest rank, not only because of the extent of her territory, her population and her material resources, but also because of her whole history and her deep devotion to the work of the League of Nations, which is a work of conciliation between the peoples, a work of peace and universal reconstruction.

In America, Brazil has been a veritable champion of international arbitration. I wish to repeat this here, although it has been said on many occasions. The Brazilian constitution, like that of other countries in America, provides that no war can take place with other nations without previous resort to the procedure of arbitration. Allow me to remind you of a fact which shows the love of international justice which has always animated Brazil in her conduct towards her American brothers and which connects her especially with the history of Uruguay. We had a frontier dispute with Brazil which lasted nearly half a century. It was a dispute about navigation on frontier waters. We claimed that this question should be settled according to the principles of international law.

Although the treaty in question was in force, the Brazilian Minister for Foreign Affairs, M. Rio-Branco, who is one of the most remarkable figures in the diplomatic history of South America, at a certain moment expressed spontaneously, and without any demand from outside, a desire that this historical mistake should be rectified in the name of justice and of the friendship which existed between two neighbouring

peoples. He of his own accord presented to his Parliament a new draft Convention which was approved and which led to what is to-day an accomplished fact. I cannot imagine therefore that a country which occupies in the memory of my country and in the whole American continent so high a place from the moral point of view can, for reasons the motives for which I ought not to judge at this moment, leave us and refuse to give us its valued co-operation.

Allow me to add a few words. It will have seemed, perhaps, in the discussions which have taken place on the reorganisation of the Council, that the points of view of Brazil and Uruguay were far apart as regards the question of the permanent seats. I think it desirable to explain this now. My country is absolutely opposed to the principle of permanent seats on the Council. I declared at the Committee which is dealing with the reorganisation of the Council that, perhaps in a future more or less distant, the true ideal of justice would be to suppress altogether the permanent seats and to establish absolute equality between the States.

But there is a point on which our views are very close to those of Brazil. We think, as does Brazil, that there must be assured to the American Continent a fairer and more just representation in the composition of the Council. The Brazilian Ambassador has employed certain means to attain that end. The representative of Uruguay is employing other means to attain the same end. M. de Mello-Franco has used many arguments in support of the theory that a stronger

representation of the States of Latin-America is necessary for the good administration of the League.

I must declare that, if the question of the increase of the permanent seats were to arise, I can only think of this increase as being in favour of the countries of Latin-America which are at present excluded from occupying such a position on the Council; but, as this question is not before us in this form, my Government prefers that the principle of equality should dominate the future composition of the Council of the League with the exceptions already provided for in the Covenant and with the exception of Germany.

Allow me to add a few personal considerations. M. de Mello-Franco has always been a most valued colleague. His great capacity, his loyalty, his intelligence, have always been of the highest value to us. On many occasions he has given the Council the most intelligent advice. I can therefore only renew my regret at the attitude which he considers that he is obliged to take and which he has just announced to us, and I beg to express the most sincere wish that this attitude may not be final.

Sir Austen CHAMBERLAIN spoke as follows :

Mr. President, a passage in the declaration of the representative of Brazil in regard to Article 5 of the Covenant obliges me to reserve my right on any suitable occasion, or whenever it should become necessary, to express my views upon that subject; but that is not what preoccupies me at this moment.

No one will have listened without emotion to the

declaration read to us by the representative of Brazil or to the observations with which you, Sir, have followed it. You echoed the sentiments of us all when you expressed your own feelings about the personal co-operation of M. de Mello-Franco in the proceedings of the Council and regarding our personal relations with him both in and outside the Council. If the announcement merely meant that M. de Mello-Franco himself would no longer occupy the Chair of Brazil, it would give us all pain. The announcement is still more serious as he made it. However, I draw—and I hope I am not too optimistic in drawing—some conclusion from the fact that no irreparable step has yet been taken, and that perhaps, as this matter is further discussed in the Committee or in the Council or in the Assembly, Brazil may see reasons of public policy and international importance for reviewing the decision indicated but not actually announced to-day.

May I add that, whilst it is very natural that any State in presenting its claim should dwell upon its particular national, historic, cultural and other qualifications for the position which it seeks, it is impossible for us to discuss the matter on that footing. We cannot allow our personal sympathies, our national affinities, or even our sense of the weight which these various arguments have, to determine the question for us. We have to consider how the Council can be so composed as to give the widest and most equitable representation to the States which are Members of the League, without becoming so large that it is impossible

for it to discharge the great responsibilities with which it is entrusted, since upon its power adequately to discharge these duties there might at any moment rest the peace of the world.

One other observation I would like to make : this remark is unnecessary for my colleagues at this table ; it is not, I think, necessary for any of those who habitually follow our proceedings, but it may perhaps be useful to bring it home to those who see us only from a distance, who read perhaps only the scanty reports of our meetings and who are unable to obtain any vivid personal impression of the manner and the spirit in which the deliberations of the Council are conducted. It is true that we arrive here by different routes, but once we have entered the Council Chamber no difference exists between us. We all speak with an equal authority. The assent of every one of us is equally necessary to a decision by the Council. We sit here, from whatever source we derive our right to our seats, as equals, as colleagues and as friends, discharging to the best of our ability and in the spirit of comradeship, friendship and equality the great tasks with which we are entrusted.

M. SCIALOJA spoke as follows :

I would like to be able to speak in Italian in order to express my feelings with more force. Our mother tongue always contains expressions which it is absolutely impossible to translate.

If the declaration of the representative of Brazil has caused a painful impression on the members of the

Council, this impression has been all the stronger and all the more painful for me, as Brazil is to some extent identified with Italy, at least from the racial point of view, so considerable has been the contribution of the Italian people to the population of Brazil. M. de Mello-Franco will accordingly understand the depth of my feelings.

It is not merely that the decision of Brazil has created a serious source of difficulty within the Council; there is the further point that this decision which has been brought to the knowledge of the Council has cut the Gordian knot at the very moment when a solution is being sought. I would like to suggest to my friend, M. de Mello-Franco, that he should explain to his Government how all the work of the Committee and all the investigations which it is proposed to make between this date and the month of September will be upset by the declaration which he has just made.

Brazil has clearly such strong reasons for a seat on the Council that facts, which are stronger than any arguments, have proved this, for Brazil has had a seat on the Council since the constitution of the League of Nations. This fact should have convinced Brazil that the Council could not forgo its help. Moreover, as the President and the British representative have emphasised, the regret of the Council at this declaration is increased by its regret at losing a colleague like M. de Mello-Franco, for whom it has so great an affection. I had formed the habit, when any difficulty arose, of looking to M. de Mello-Franco, sure of having a just and

a wise reply which might enable the obstacle to be surmounted, even in the case of the most difficult problems.

I do not know whether at this moment I may venture to resort to a legal artifice. M. de Mello-Franco has announced the resignation of his country. But he said at the same time that neither he nor his country desires to impede the work of the Council. He even added that he had postponed announcing his resignation until to-day as he considered that the work of the Council was finished and that it might resume its activities in September after new elections have been held. I do not know whether this is so. In any case, I would ask the Council to reply to my friend, the Brazilian Ambassador, that, from the point of view of public law, resignation does not free a Member until it has been accepted. I do not know whether the Council is competent to accept a resignation. I believe that in any case it will never, in fact, accept it: in my opinion it will be for the Assembly to accept a resignation, and for this reason I believe that if, from the legal point of view, Brazil does not wish to impede the work of the Council, it must continue to occupy its seat until a decision of the Assembly has been taken.

It is not a fact that this is our last meeting. We have thought of holding a session in August, and, even if the August session were not in mind, my colleague is well aware that the Council has more than once been convened by telegram owing to difficulties which have arisen in the world. The last occasion on which this

happened was the recent Greco-Bulgarian dispute.

Does Brazil wish to impede the fundamental work of the League of Nations by withdrawing? This is a problem. M. de Mello-Franco, himself an experienced lawyer, has said that the Council cannot meet if one of its members is not present—I do not wish to express any opinion on this point, as it is rather a difficult question. According, however, to the opinion of M. de Mello-Franco, this will give rise to a difficulty, and I am sure that Brazil does not wish to create difficulties for the Council or for the League. Hitherto the co-operation of Brazil has been striking evidence of this and has given sufficient proof of her desire to help in and not to impede the work of civilisation which the League is doing. Why do you want now to create a state of affairs which might have such serious consequences ?

I should like M. de Mello-Franco, therefore, to continue to represent Brazil on the Council pending further discussion. The experience of the League has shown that delays smooth away difficulties, and perhaps this will be the case in the present instance. In any event, the Council must not neglect any remedy for meeting so serious a misfortune.

On behalf of Italy and on my own behalf—and I am sure that I am interpreting the feelings of all Italians—I venture to ask M. de Mello-Franco to use all his influence, which is very great in his country, to persuade the President of Brazil at least to postpone his decision until the month of September.

M. PAUL-BONCOUR spoke as follows :

I should have asked to speak earlier, so rapid was my reaction—not only from the sentimental standpoint—to M. de Mello-Franco's speech, if the exact and legal counterpart of my feeling had not been supplied to me in a private conversation which I have had with my neighbour, the representative for Italy, an eminent lawyer, and if I had not considered it desirable to leave him to express it first.

If M. de Mello-Franco, knowing perfectly well how deeply his speech would shock our feelings of affection for him and for his country, still made that speech, it is clearly because he has received instructions and because his country has based its decision on reasons the soundness of which the Council has, moreover, been able to appreciate. It is not, therefore, by laying emphasis upon the deep sorrow that the realisation of this resignation will cause us that I would base an endeavour to persuade our Brazilian colleague to reconsider his decision.

There is another argument which cannot fail to strike so eminent a lawyer as M. de Mello-Franco. That Brazil may wish to tender her resignation for reasons, of which she is the sole judge, is conceivable. But the Council is not empowered to accept it. The Assembly alone elected Brazil, and the Assembly alone has the power to accept such a resignation. The Assembly alone can appreciate the motives for it and give to such legitimate motives the effect which it considers appropriate.

I venture to think that it is not our duty so much as our spontaneous wish to express here the regrets to which M. de Mello-Franco's speech has given rise. I also venture to remind you that, from the legal standpoint, our colleague is still a member of the Council, and that neither his wish alone nor the wish of his Government can separate us. Again, my colleague and friend, M. Scialoja, has just now raised, with his great legal ability, a very serious question. I think—though I express my view with hesitation, since, when M. Scialoja has formulated a legal opinion, no one can formulate another without hesitation—that nothing can prevent the Council from continuing its work in case of necessity. But if this is legally true, M. de Mello-Franco understands very well the moral situation in which the Council will find itself if it is obliged to-morrow to face one of the situations to which the delegate for Italy has referred. Is it possible that, though legally present, you could be morally absent?

Your country, as M. Guani has just reminded us, embodies the very idea of compulsory arbitration. This is what your country was doing here, and what it is continuing to do—for I speak always of the present. I beg of you, therefore, M. de Mello-Franco, to be good enough to inform your Government on our behalf and with all respect that, in depriving us of your valuable co-operation, it will be diminishing the authority of the Council, which it will not wish to do.

Viscount ISHII spoke as follows:

The declaration which the eminent representative of

Brazil has just made is of so grave a character that I cannot hazard any improvised remarks upon it. It involves complicated questions both of a political and of a juridical order, as has so clearly been demonstrated by M. Scialoja and M. Paul-Boncour. All I can say at the moment is that I sincerely and profoundly regret the decision which the Government of Brazil has found it necessary to take. My regret is based not only on the cordial personal relations which have always existed between the representative of Brazil and myself but also, and especially, from the point of view of the loss it means to the League of Nations.

I desire to express the hope, as has already expressed by the President and many other of my colleagues, that the decision announced by the Brazilian Government may not be definitive and final.

M. BENES spoke as follows:

I do not wish to prolong the debate nor to discuss the substance of the question already dealt with by my colleagues with such eloquence and competence. I wish merely to add a few words and to associate myself with the sentiments expressed by my colleagues concerning Brazil and M. de Mello-Franco, with whom I have always had the most cordial and friendly relations. Secondly, I feel bound to inform the Council that I entirely agree, from the legal point of view, with the opinion that has been expressed to the effect that the Council is not competent to accept the resignation of Brazil. Thirdly, I note, with Sir Austen Chamberlain, that no irrevocable step has been taken. I hope very

sincerely that when September comes the situation will be such that no further steps will be taken as a result of the statement of M. de Mello-Franco.

M. DE MELLO-FRANCO spoke as follows :

Allow me to express the same regrets as M. Scialoja at being unable to use my own language to say how extremely grateful I am to the members of the Council for the very kind words that they have used regarding myself, and which I feel should be considered as having been addressed to my country.

I am convinced, Mr. President and Gentlemen, that the considerations which have been put forward by the members of the Council will be much appreciated by public opinion in my country. It is my duty to point out that the interpretation of Article 5 of the Covenant to which I have referred must not be considered as my personal interpretation—I am only a very modest student of law. We merely thought that account should be taken of all difficulties and that the duty of Brazil was, after having taken its decision regarding the political side of the matter, to show the greatest respect for the difficult work of the Council of the League of Nations in which up to the moment Brazil has had the honour to take part.

I cannot discuss the question of the interpretation given to the political action of Brazil. I desire merely to remind my dear colleague, M. Scialoja, that according to the rules of procedure of the Federal Chamber of Deputies, to which I have had the honour to belong for twenty years, resignation of a mandate is consid-

ered as unilateral and cannot be judged by the Chamber itself. Whatever be the legal interpretation given to the action of the Government of Brazil, I am not competent to take a decision; I can merely do my duty by forwarding to the Federal Government the considerations put forward by my colleagues on the Council. Only the Federal Government is able to take a decision concerning a question which is of an essentially political nature.

In conclusion, I must inform my colleagues of the profound emotion which I feel, and renew to them my most sincere thanks for their courtesy and the friendly way in which they have treated me.

I would also like to renew to the Secretary-General and to the staff of the Secretariat of the League of Nations my most sincere thanks for the unfailing goodwill with which they have assisted the delegate of Brazil in the difficult task of representing a State Member of the Council of the League of Nations.

The PRESIDENT proposed that the telegram from the Brazilian Government should be sent to all States Members of the League of Nations together with the Minutes of the latter part of the present meeting of the Council. Everyone would thus be able to appreciate the feelings of sympathy and friendship which had been expressed by all the members of the Council towards Brazil and towards its distinguished representative.

The proposal of the President was adopted.

(The Council then went into private session.)

ANNEX III

**Brazil resigns her membership
of the Council.**

LEAGUE OF NATIONS

Communicated to the Council
and the Members
of the League.

C. 377. M. 129. 1926.
Geneva, June 11th, 1926.

COMMUNICATION FROM THE BRAZILIAN GOVERNMENT

NOTE BY THE SECRETARY-GENERAL.

The Secretary-General has the honour to circulate the following communication from the Brazilian Government to the Council and the Members of the League.

BRAZILIAN DELEGATION.

Geneva, June 10th, 1926.

Translation.

To the Secretary-General.

Sir,

I am instructed by the President of the Brazilian Republic to forward to you a statement by the Brazilian Government which has been communicated to me by telegraph from Rio de Janeiro and which explains the attitude adopted by my Government with regard to the proposal for the reform of the Council.

Signed :

AFRANIO DE MELLO-FRANCO.

*Permanent Delegation of the United States of Brazil
accredited to the League of Nations.*

Translation : " While addressing her most sincere thanks to the countries which form the League of Nations, Brazil now renounces her seat on the Council as non-permanent member.

Owing to her record since the Great War and to the esteem in which she was held by the victorious Powers, Brazil was nominated from the outset to occupy this place and was successively re-elected by a number of votes, which deeply gratified her.

In order to make an adequate response to these marks of esteem, she did not refuse her share in the common burden and, overstepping to some extent the bounds of her American policy, she on many occasions took a share in the responsibility of deciding European questions, from which she has always kept, and desires to remain, aloof.

She acted in this way in the conviction that she would be rendering a service to a universal organisation destined to give material shape in the political life of the whole world to the pacific ideal of which President Wilson was the sincere apostle. It is not easy to renounce such an illusion; and although it became more and more evident that there were certain differences between the American ideas which inspired the creation of the League of Nations and the actual development of the new organisation, Brazil continued to cherish the conviction that time would make perfect an institution created with so high a purpose.

So great were her hopes that she did not hesitate to take the initiative, soon afterwards followed by other countries, of establishing a permanent delegation at Geneva so as to be in a position to perform more effectively the work entrusted to her and to devote herself whole-heartedly to the ideals of the League of Nations.

It is common knowledge how the work of the League of Nations grew and developed accompanied by unavoidable difficulties which were for the most part the outcome of the Great War.

The presence of the United States on the Council in the permanent seat assigned to them by the Covenant would have given great prestige from the point of view of universal peace to the solutions decided upon. But in the absence of this great friendly nation, whose influence had been decisive in bringing the conflict to a close, a peculiar situation grew up in the League of Nations with regard to the American countries which remained; and this situation finally took the form of an unjust inequality and inferiority of America's position in the League as compared with that of Europe. The immediate attribution of a non-permanent seat to Brazil and later of another seat of the same nature to Uruguay did not, and still do not, suffice to compensate for this disadvantage. It was no doubt for this reason that in 1921 Chile took the initiative, for which we thank her once more, of proposing Brazil at the same time as Spain as permanent members.

This would have had the consequence firstly of putting

an end to the anomaly of a whole continent being excluded from permanent representation on the Council, and secondly, the proposal assigned its rightful place to the greatest neutral country of Europe.

The United States being absent of their own accord, Argentine having withdrawn, and no other American Republic having put forward its candidature, Brazil, proposed by Chile, at once became the American nation with the strongest claim to occupy the permanent post the creation of which was being considered. Despite the anomaly of the position, Chile would certainly not have put forward Brazil's name if she had not recognised the latter's legitimate qualifications to exercise so high a function. Indeed, Brazil considers that the consistently active part she has played in the work of the League of Nations and the responsibilities she has assumed to do it service, gave her successive re-elections, secured by a most gratifying number of votes, the character of an expression of appreciation which placed her in the front rank for promotion to a permanent place on the Council.

But the tendency towards exclusiveness which was already making itself felt began from this time onwards to be exercised against Brazil, obliging her, despite the high esteem she has always felt and still feels for Spain, to declare that she refuses, as she is entitled to do, to consent to such a difference being made between them.

Being herself a candidate, she could not give her assent to a reform of the permanent membership of the

Council which did not take account of the countries of America. It was for this reason that the reform did not take place.

Later, by way of a compromise, and while care was taken not to increase the number of permanent members, it was decided to create two new non-permanent seats.

The initiative in this proposal was taken by France and Great Britain, and it is set forth in a letter sent by Lord Balfour and M. Léon Bourgeois. In this proposal will be found the following passage which should be compared with the new doctrine that only Great Powers should have permanent seats on the Council :

“ We must not lose sight of the fact that, if this solution were adopted, the criticism might be made that the new formation of the Council would consist of four permanent States and of six non-permanent States, whereas the Covenant lays down that it should consist of five permanent States and four non-permanent States. But this objection can hardly be considered a serious one, since, by Article 5 of the Covenant, the decisions of the Council are—except where otherwise provided—taken unanimously by the Members represented at the meeting. The question of a majority, therefore, does not arise as far as the Council is concerned. It is advisable, moreover, to provide for a future increase of permanent Members. ”

By spontaneously recognising that it was possible to increase the number of permanent seats, which would therefore obviously exceed the number of so-called

“Great Powers”—especially now that it is proposed to increase further the number of non-permanent seats—the proposal in question finally disposed of the possibility of giving the Great Powers a privileged position as regards the attribution of permanent seats.

In the report pronouncing in favour of the adoption of the French and British Governments’ proposal, the competent Committee said :

“The first paragraph of Article 4 is based on a certain principle concerning the number of the permanent and of the non-permanent Members of the Council. The proposed augmentation of the number of non-permanent Members produces a considerable modification in this principle. Nevertheless, a subsequent augmentation of the number of permanent Members would re-establish the principle of which Article 4 is the application without it being possible to consider that the change proposed to-day prejudiced such re-establishment.”

No promise could be clearer or more definite. The solution of the question was postponed, but it was announced that there was a sincere intention of shortly making the increase asked for.

In consequence, all its Members continued to work in the League of Nations inspired with the greatest confidence in the universal future of the institution.

This confidence grew even greater when the Fifth Assembly approved what has come to be known as the Geneva Protocol.

Unfortunately, Europe’s still complicated and difficult position has not rendered possible the achievement of

the great step forward which this Protocol would represent in international relations.

The British Minister for Foreign Affairs took the first opportunity of making the reservations with which we are acquainted, and the European portion of the League of Nations, which is the most directly concerned in the establishment of regional peace in the Old World, endeavoured to find at Locarno a separate solution for its own difficulties.

Although regretting the complete abandonment of the great work of the Fifth Assembly, which had aroused such great hopes throughout the world, all the non-European Members of the League of Nations rejoiced at the signature of the Locarno Pacts, being convinced that owing to the spirit which had inspired them, they would adapt themselves perfectly to the broader and more general programme of the League of Nations. This impression was certainly confirmed by the Treaty of Security and Assistance concluded between Germany, Belgium, France, Great Britain and Italy, and its provisions regarding decisions by the Council taken without counting the votes of the representatives of parties engaged in hostilities. In this way the decisions of the Council, in any case in which the system of guarantees instituted by the Treaty could be applied, would depend, even in the present number of Members was increased only by one, on six votes, owing to the fact that the five other signatory States would be debarred by the terms of the Treaty from voting.

Any assistance, whatever its nature, which all the

signatories undertake to afford the attacked State will mean that all the five permanent Members in question will be engaged in hostilities and will thus be debarred from voting.

Consequently, only one of the present permanent Members of the Council, Japan, will have a voice in the decision to be taken. This imperative reason for increasing the Council was so evident that even now no one understands how it could be argued that Germany alone should be admitted as a permanent Member.

The present is a good opportunity for extending the application of the soundest principles and doctrines of international politics. Why not make public any agreements concluded at the same time as the Pacts? What harm would be done? The conduct of negotiations among the strong nations only in order to prevent the weak from yielding to the desire of adhering thereto is no new error, otherwise it might be excused; but Brazil already drew attention to it in 1907 at The Hague.

For Germany's admission to the Council as a permanent Member to be proposed to the Assembly, the unanimity of the Council was essential; and on a previous occasion a nation had already opposed the entry of another, although the latter was its friend, on the ground that *being itself a candidate* it could not give its consent to an increase in the size of the Council which did not also take into account the claims of America.

The rights of others cannot be so lightly set aside. Nor can less regard be displayed to the political and moral personalities of nations already committed to a

policy which they cannot renounce without humiliation and loss of dignity. Brazil has therefore remained true to her policy; her self-respect did not allow her to do otherwise.

When the question of the admission of Germany to the League was mooted at Locarno, it was naturally assumed that the constitution of the permanent membership was at length to be reformed. It was, indeed, impossible to think otherwise, having regard to the previous Chilean proposal and the assurances given to the effect that Brazil must await for that purpose the impending admission of Germany. Nobody could then have suspected that the entry of Germany was to be the sole question at issue. Her admission was universally desired. Everybody wished to see her occupying her proper place among the nations; and no country was more anxious that this should be so than Brazil, which of all countries in the world is one of those best able to appreciate the value of Germany's participation in international affairs.

Moreover, we have already urged, and we repeat it once more, that the League of Nations, as a universal institution, should endeavour to draw into its orbit all those nations which still remain outside.

When consulted by Germany in regard to her admission—not her *exclusive* admission—Brazil gave expression to these views, and evinced the keenest sympathy; but as a preliminary she formulated the obvious and natural reservations which were dictated by the whole previous history of the question of the permanent mem-

bers, and added that "the questions that Germany has asked and the wishes she has expressed, are of such a kind that they should not be dealt with by inter-governmental negotiation, but should be ventilated and discussed collectively by the Members of the League, under the auspices of the League, in order that all the aspects of those questions and the attitudes of the other Members may be brought into relief."

We examined the explicit terms of the question which was placed on the agenda of the Special Assembly, and we went calmly to Geneva with the intention of assisting in the promised revision of the constitution and the consequent admission of Germany of the Council, together with Spain and Brazil (whose candidatures had previously been put forward), and other countries which might become candidates, the whole being dependent upon the reform.

On that occasion the head of the French Government publicly proclaimed the justice of the Brazilian claim, which almost all the other members of the Council accepted as reasonable, or at any rate definitely expressed that view to us. Great Britain herself, while she informed the other Powers concerned of the attitude she proposed to take up towards them, though she made no communication whatever to Brazil on the subject, did not officially raise any clear and definite objection to our candidature.

General surprise was therefore occasioned by the announcement that the Swedish Representative was coming to Geneva with the unalterable resolve to veto

the admission of any country except Germany, and that the latter, influenced naturally enough by European interests, insisted on being the only country to enter the Council in March, though she would doubtless be willing to give favourable consideration to other claims in September.

Thus the Locarno decision assumed the character of an order; and in consequence the League of Nations, which had been founded to maintain peace through respect for the rights of all nations, was already failing to make itself respected by the strongest Powers, even when its own internal life and the constitution and composition of its representative bodies were at stake.

At the eleventh hour, when no justification could be found for this attitude, the theory that permanent membership of the Council should be confined to the Great Powers was evolved. No heed was given to the fact that this rule constitutes a frontal attack on the pacific aims of the League, since the latter is a universal institution whose true purpose is to make justice prevail in international relations through respect for law, and not through subservience to the stronger Powers, whose arrogance, indeed, it is designed to curb. Thus the League, by abandoning the American ideal which created it as an institution to prepare the future, is being converted into an institution whose essential object seems to be to perpetuate the past.

We may also point out that when the question is settled, if it is decided that only the Great Powers are to have permanent seats on the Council, it will be diffi-

cult to make them understand Germany's election, seeing that for the present the Treaty of Versailles forbids her to possess a large army or fleet.

After the great war the noble idea arose in America of uniting the nations in a political organisation to prevent the repetition of such a world catastrophe.

Only those who know the inner history of the peace negotiations can tell what were the American President's motives for compromising on certain of his fourteen points in order to achieve the formation of the League, and sacrificing the present, as far as he saw to do so, for the sake of laying the foundations of a future in which international peace should be more secure.

Taken all in all, the League was the antithesis of the Council of the Holy Alliance, which met after the Napoleonic wars to impose upon the world the decisions of the reactionary Governments of the great Powers. To this very policy, it will be remembered, the liberal spirit of England refused its support, amid the applause of all the peoples of the world.

If the transformation which we have outlined is achieved, which of these two models will the League of Nations approach most closely?

By reserving the permanent seats exclusively for themselves, and by the influence which they exercise on other grounds throughout the world, the great Powers—since it is proposed to reduce the non-permanent seats to the status of precarious positions, by empowering the Assembly by a two-thirds majority to order new elections whenever it thinks fit—would impress the

League of Nations with the character of an association under the dominance of force. In that event, the League with the collective and general interests which it represents, would cease to be what it was originally intended to be—an institution designed to achieve the reign of justice among all peoples by insuring that the rights of each are respected. If, on the other hand, other nations than the great Powers became permanent members of the Council, the League would retain its original character, while the influence quite properly exercised by the most powerful States would remain unimpaired. The same end could be attained with the consent of Brazil by adopting the Argentine proposal—with which many countries have associated themselves—that the permanent seats should be abolished.

We cannot listen to the argument that, notwithstanding the exclusive attribution of these seats and the arbitrary changes which it is now proposed to introduce in Article 4 of the Covenant, without giving them a regular form of an amendment to be submitted to the Governments of the States Members for legislative approval and eventual ratification, the other nations are perfectly free to reject any proposal that they regard as undesirable.

The validity of this argument is now made clear by the March incident, which occurred before there was any question of reducing the non-permanent seats to the status of precarious positions, and by the progress of the work of the Committee on the Composition of the Council.

We need only mention the welcome extended by the great Powers to the Swedish representative's proposal

in favour of a collective veto, and in contrast to that, the indignant rejection of Brazil's mere threat to use her veto on one single and special occasion, when she was obliged to do so by circumstances which are now universally known, and which have been set forth at the beginning of this statement.

But that is not all. When the storm was allayed, and when at length, as a result of Brazil's attitude, the question of reform was brought under discussion, consider the expedients to which the partizans of the old system were ready to resort in order arbitrarily to change the substance of Article 4 of the Covenant, in which no such extensive change could be made except by an amendment in due form. Yet the complete solution of the question could have been achieved with perfect ease without departing from the letter or the spirit of that article.

We do not hesitate to say that this procedure is tantamount to the admission that a stubborn will is more powerful in the League of Nations than the constitutional law by which the League is governed.

There is no need, however, to allow the situation to become so serious as that by obstinately refusing to accept America's view.

In the situation in which she was placed, Brazil did her duty by firmly announcing the attitude which she intended to adopt, notwithstanding the regret which she felt at being compelled to prevent at that juncture, the admission of a friendly country, which could not be allowed to remain outside the League, and at being

forced to thwart the desires of other—and also friendly—great Powers with which she has for many years co-operated on the most cordial terms at Geneva. Under the direct threat of falling into political and moral disrepute, we acted as we should act again, by using in one particular case the very right to which, without incurring similar criticism, Sweden's representative employed in a comprehensive manner.

When she objected to certain nations taking, without the knowledge of the others and outside the framework of the League, decisions binding on the League in regard to its own composition, Brazil's desire was to bring the League back from the dangerous path which would lead to its losing the character of an organ of the nations, a universal institution, the defender of law and upholder of international justice, and which would have transformed it into an association to carry out the will of the great Powers. In this way it would forfeit its universal character by destroying the essential purpose of its existence—the foundation of a better future for the peoples of the world, which desire it with all their heart and will eventually force their Governments in that direction. By such a step the League will retrace its destined path and may perhaps reduce itself to a mere instrument for perpetuating the past.

The League of great Powers—almost entirely European, in any event non-American—which will now be created by irregular action and a departure from the present constitution will in reality be nothing less than an entirely different organisation.

We repudiate the designs which have been attributed to us and desire to call attention to the dangers to which the League of Nations is exposed; our firm intention was and is to leave the great Powers to act on their own responsibility, and faithfully to uphold American ideals through which alone the race in armaments will ever be ended and peace established throughout the world. Only those ideals can give strength to punish aggressive war as an international crime, and to establish compulsory arbitration in place of all the forcible methods which have hitherto been employed.

Using her right of veto with sorrow, but with the calm conscience of one who performs an unavoidable duty, Brazil had hoped that her motives would be understood and her claims satisfied; but if this was not to be, she never intended to press them further.

Since the present quarterly session of the Council is the last before the September Assembly, Brazil here and now vacates the non-permanent seat which she has occupied for the past seven years.

It will remain for her in accordance with the final paragraph of Article I of the Covenant to notify the Secretariat in due course of her decision to abandon the honour of membership in the League which she has always valued so highly; and thus regretfully, but with a clear conscience, she will complete the act begun to-day and uphold the principles set forth in this statement which she has felt bound to make in self-defence, and as a tribute to the League of Nations and all its members. "

ANNEX IV

**Brazil with draws from the
League of Nations.**

LEAGUE OF NATIONS

Communicated to the Council
and the Members
of the League.

Geneva, June 14th, 1926.
C. 380. M. 131. 1926.

TELEGRAM FROM THE BRAZILIAN GOVERNMENT

NOTE BY THE SECRETARY-GENERAL.

The Secretary-General has the honour to circulate to the Council and the Members of the League the following telegram which he has received from the Brazilian Minister for Foreign Affairs.

Rio de Janeiro, June 12th, 11.35 p.m.

Translation :

To the Secretary-General of the League of Nations,
Geneva :

As you are aware, in the statement forwarded to M. Mello-Franco, which has doubtless already been published *in extenso* by the Secretariat and communicated to the Members of the League, Brazil resigned her temporary seat on the Council. At the end of the document it was stated that Brazil was awaiting the opportunity to complete her action by abandoning the honour of membership of the League. Having now received an invitation to the ordinary Assembly in September, which

she can no longer attend, she feels bound to state that this circumstance obliges her to announce at once, in this communication, her decision to withdraw from the League. This telegram is to be regarded as a preliminary notification in accordance with the final paragraph of Article 1 of the Covenant.

*Signé : FELIX PACHECO,
Brazilian Minister for Foreign Affairs.*

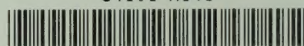
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